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## SENATE JOINT RESOLUTION 12

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005
INTRODUCED BY

Rod Adair

## A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 1 OF THE CONSTITUTION OF NEW MEXICO TO REQUIRE VOTER APPROVAL OF LAWS THAT INCREASE STATE REVENUES THROUGH THE IMPOSITION OF NEW TAXES OR INCREASES IN TAX RATES.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. It is proposed to amend Article 4, Section 1 of the constitution of New Mexico to read:

"A. Except as otherwise provided in this article, the legislative power shall be vested in a senate and house of representatives which shall be designated the legislature of the state of New Mexico, and shall hold its sessions at the seat of government.

B. After January 1, 2007, the legislature shall not enact a new tax or increase the rate of an existing tax except

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as provided in this subsection. When the legislature, by a two-thirds' vote of the members elected to each house, votes in favor of submitting to the voters of the state a proposal to provide for an increase in state revenues in the form of the imposition of a new tax or an increase in a tax rate, the <u>legislature shall submit the question of approval of that</u> proposal to the voters of the state at the next general election. The legislature shall provide for publication of notice of the question to the voters. If a majority of all of the qualified voters votes in favor of approval of the proposal, the proposal shall become law effective immediately upon certification of the results by the state canvassing board, unless a later effective date is specified by the proposal. If two or more proposals are initiated by the legislature pursuant to this subsection, the proposals shall be submitted to the voters separately to enable the voters to vote on each of the proposals separately.

- C. The provisions of Subsection B of this section do not apply to tax levies approved by the qualified electors pursuant to Article 9, Section 8 of the constitution of New Mexico.
- <u>D.</u> The people reserve the power to disapprove, suspend and annul any law enacted by the legislature, except general appropriation laws; laws providing for the preservation of the public peace, health or safety; for the payment of the .155534.2

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public debt or interest thereon, or the creation or funding of the same, except as in this constitution otherwise provided; for the maintenance of the public schools or state institutions, and local or special laws. disapproving any law other than those above excepted, enacted at the last preceding session of the legislature, shall be filed with the secretary of state not less than four months prior to the next general election. Such petitions shall be signed by not less than ten per centum of the qualified electors of each of three-fourths of the counties and in the aggregate by not less than ten per centum of the qualified electors of the state, as shown by the total number of votes cast at the last preceding general election. The question of the approval or rejection of such law shall be submitted by the secretary of state to the electorate at the next general election; and if a majority of the legal votes cast at such general election, be cast for the rejection of such law, it shall be annulled and thereby repealed with the same effect as if the legislature had then repealed it, and such repeal shall revive any law repealed by the act so annulled; otherwise, it shall remain in force unless subsequently repealed by the If such petition or petitions by signed by not l egi sl ature. less than twenty-five per centum of the qualified electors under each of the foregoing conditions, and be filed with the secretary of state within ninety days after the adjournment of

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the session of the legislature at which such law was enacted, the operation thereof shall be thereupon suspended and the question of its approval or rejection shall be likewise submitted to a vote at the next ensuing general election. If a majority of the votes cast thereon and not less than forty percentum of the total number of votes cast at such general election be cast for its rejection, it shall be thereby annulled; otherwise, it shall go into effect upon publication of the certificate of the secretary of state declaring the result of the vote thereon.

E. It shall be a felony for any person to sign any such petition with any name other than his own, or to sign his name more than once for the same measure, or to sign such petition when he is not a qualified elector in the county specified in such petition; provided, that nothing herein shall be construed to prohibit the writing thereon of the name of any person who cannot write, and who signs the same with his mark. The legislature shall enact laws necessary for the effective exercise of the power hereby reserved. "

The amendment proposed by this resolution Section 2. shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.