

1 SENATE JOINT RESOLUTION 11

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLES 4 AND 5 OF THE CONSTITUTION OF NEW
12 MEXICO TO REPLACE GENDER-SPECIFIC LANGUAGE WITH GENDER-NEUTRAL
13 LANGUAGE IN THOSE ARTICLES.

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

16 SECTION 1. It is proposed to amend Article 4, Section 6
17 of the constitution of New Mexico to read:

18 "Special sessions of the legislature may be called by the
19 governor, but no business shall be transacted except such as
20 relates to the objects specified in this proclamation.

21 Provided, however, that when three-fifths of the members
22 elected to the house of representatives and three-fifths of the
23 members elected to the senate shall have certified to the
24 governor of the state of New Mexico that in their opinion an
25 emergency exists in the affairs of the state of New Mexico, it

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1 shall thereupon be the duty of said governor and mandatory upon
2 [~~him~~] the governor, within five days from the receipt of such
3 certificate or certificates, to convene said legislature in
4 extraordinary session for all purposes; and in the event said
5 governor shall, within said time, Sundays excluded, fail or
6 refuse to convene said legislature as aforesaid, then and in
7 that event said legislature may convene itself in extraordinary
8 session, as if convened in regular session, for all purposes,
9 provided that such extraordinary self-convened session shall be
10 limited to a period of thirty days, unless at the expiration of
11 said period, there shall be pending an impeachment trial of
12 some officer of the state government, in which event the
13 legislature shall be authorized to remain in session until such
14 trial shall have been completed."

15 SECTION 2. It is proposed to amend Article 4, Section 22
16 of the constitution of New Mexico to read:

17 "Every bill ll passed by the legislature shall, before it
18 becomes a law, be presented to the governor for approval. If
19 [~~he~~] the governor approves, [~~he~~] the governor shall sign it,
20 and deposit it with the secretary of state; otherwise, [~~he~~] the
21 governor shall return it to the house in which it originated,
22 with [~~his~~] the governor's objections, which shall be entered at
23 large upon the journal; and such bill shall not become a law
24 unless thereafter approved by two-thirds of the members present
25 and voting in each house by yea and nay vote entered upon its

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1 journal. Any bill not returned by the governor within three
2 days, Sundays excepted, after being presented to [~~him~~] the
3 governor, shall become a law, whether signed by [~~him~~] the
4 governor or not, unless the legislature by adjournment prevent
5 such return. Every bill presented to the governor during the
6 last three days of the session shall be approved by [~~him~~] the
7 governor within twenty days after the adjournment and shall be
8 by [~~him~~] the governor immediately deposited with the secretary
9 of state. Unless so approved and signed by [~~him~~] the governor,
10 such bill shall not become a law. The governor may in like
11 manner approve or disapprove any part or parts, item or items,
12 of any bill appropriating money, and such parts or items
13 approved shall become a law, and such as are disapproved shall
14 be void unless passed over [~~his~~] the governor's veto, as herein
15 provided."

16 SECTION 3. It is proposed to amend Article 5, Section 4
17 of the constitution of New Mexico to read:

18 "The supreme executive power of the state shall be vested
19 in the governor, who shall take care that the laws be
20 faithfully executed. [~~He~~] The governor shall be commander in
21 chief of the military forces of the state, except when they are
22 called into the service of the United States. [~~He~~] The
23 governor shall have power to call out the militia to preserve
24 the public peace, execute the laws, suppress insurrection and
25 repel invasion."

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1 SECTION 4. It is proposed to amend Article 5, Section 5
2 of the constitution of New Mexico to read:

3 "The governor shall nominate and, by and with the consent
4 of the senate, appoint all officers whose appointment or
5 election is not otherwise provided for and may remove any
6 officer appointed by [~~him~~] the governor unless otherwise
7 provided by law. Should a vacancy occur in any state office,
8 except lieutenant governor and member of the legislature, the
9 governor shall fill such office by appointment, and such
10 appointee shall hold office until the next general election,
11 when [~~his~~] the appointee's successor shall be chosen for the
12 unexpired term."

13 SECTION 5. It is proposed to amend Article 5, Section 7
14 of the constitution of New Mexico to read:

15 "If at the time fixed for the beginning of the term of the
16 governor, the governor-elect shall have died, the lieutenant
17 governor-elect shall become governor. If a governor shall not
18 have been chosen before the time fixed for the beginning of
19 [~~his~~] the governor's term, or if the governor-elect shall have
20 failed to qualify, then the lieutenant governor-elect shall act
21 as governor until a governor shall have qualified; and the
22 legislature may by law provide for the case wherein neither a
23 governor-elect nor a lieutenant governor-elect shall have
24 qualified, declaring who shall then act as governor, or the
25 manner in which one who is to act shall be selected, and such

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1 person shall act accordingly until a governor or lieutenant
2 governor shall have qualified.

3 If after the governor-elect has qualified a vacancy occurs
4 in the office of governor, the lieutenant governor shall
5 succeed to that office, and to all the powers, duties and
6 emoluments thereof, provided [~~he~~] the lieutenant governor has
7 by that time qualified for the office of lieutenant governor.
8 In case the governor is absent from the state, or is for any
9 reason unable to perform [~~his~~] the governor's duties, the
10 lieutenant governor shall act as governor, with all the powers,
11 duties and emoluments of that office until such disability be
12 removed. In case there is no lieutenant governor, or in case
13 [~~he~~] the lieutenant governor is for any reason unable to
14 perform the duties of governor, then the secretary of state
15 shall perform the duties of governor, and, in case there is no
16 secretary of state, then the president pro tempore of the
17 senate, or in case there is no president pro tempore of the
18 senate, or [~~he~~] the president pro tempore of the senate is for
19 any reason unable to perform the duties of governor, then the
20 speaker of the house shall succeed to the office of governor,
21 or act as governor as hereinbefore provided."

22 SECTION 6. The amendment proposed by this resolution
23 shall be submitted to the people for their approval or
24 rejection at the next general election or at any special
25 election prior to that date that may be called for that

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