

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION 5

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

A JOINT RESOLUTION

PROPOSING AMENDMENTS TO ARTICLE 4 OF THE CONSTITUTION OF NEW MEXICO TO REPEAL THE CONSTITUTIONAL PROVISION PROVIDING FOR LEGISLATIVE PER DIEM AND MILEAGE AND THE PROHIBITION OF LEGISLATIVE COMPENSATION AND TO CREATE A PUBLIC OFFICER SALARY COMMISSION TO ESTABLISH AND LIMIT THE SALARIES OF ELECTED STATE OFFICERS AND OTHER PUBLIC OFFICERS AS THE LEGISLATURE MAY PROVIDE.

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

SECTION 1. It is proposed to amend Article 4 of the constitution of New Mexico by repealing Section 10, effective January 1, 2023.

SECTION 2. It is proposed to amend Article 4 of the constitution of New Mexico by adding a new section to read:

"A. The "public officer salary commission" is

.214527.1

underscoring material = new
~~[bracketed material]~~ = delete

1 established as a state agency under the direction of seven
2 commissioners, no more than four of whom may be members of the
3 same political party, whose terms and qualifications shall be
4 as provided by law.

5 B. The governor shall appoint two commissioners who
6 shall not be from the same political party. The chief justice
7 of the supreme court shall appoint two commissioners who shall
8 not be from the same political party. One commissioner each
9 shall be appointed by the president pro tempore of the senate
10 and the speaker of the house of representatives, all as
11 certified by the chief clerks of the respective chambers. One
12 commissioner shall be appointed by the six commissioners
13 appointed by the governor, the chief justice of the supreme
14 court, the president pro tempore of the senate and the speaker
15 of the house of representatives. No member of the commission
16 shall be a:

17 (1) current governor, lieutenant governor,
18 attorney general, secretary of state, treasurer, state auditor
19 or commissioner of public lands;

20 (2) current member of the judiciary;

21 (3) current legislator;

22 (4) current member of the public regulation
23 commission;

24 (5) current employee of state government;

25 (6) current or former lobbyist registered

1 pursuant to New Mexico law; or

2 (7) spouse, domestic partner, parent, child or
3 sibling, by consanguinity or affinity, of a person identified
4 in Paragraphs (1) through (6) of this subsection.

5 C. The public officer salary commission shall
6 establish and limit salaries for:

7 (1) the governor, lieutenant governor,
8 attorney general, secretary of state, state treasurer, state
9 auditor and commissioner of public lands;

10 (2) justices of the supreme court, judges of
11 the court of appeals and district court judges;

12 (3) legislators;

13 (4) members of the public regulation
14 commission; and

15 (5) other public officers as the legislature
16 may provide.

17 D. The public officer salary commission shall
18 establish and limit salaries by October 1 of each odd-numbered
19 year, taking into account any other compensation, perquisite,
20 allowance or reimbursement provided to persons identified in
21 Subsection C of this section by the state of New Mexico. The
22 commission may establish and limit compensation, perquisite,
23 allowance or reimbursement other than salary.

24 E. The salary of senators who are serving a term of
25 office that expires on December 31, 2024 may receive a salary

.214527.1

1 beginning January 1, 2023, notwithstanding that the senators'
2 compensation will be increased or decreased during their terms
3 of office."

4 SECTION 3. The amendment proposed by this resolution
5 shall be submitted to the people for their approval or
6 rejection at the next general election or at any special
7 election prior to that date that may be called for that
8 purpose.