

1 HOUSE JOINT RESOLUTION 8

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 4 OF THE CONSTITUTION OF NEW MEXICO  
12 BY ALLOWING FOR PROVISION OF LEGISLATIVE SALARIES AND CREATING  
13 A CITIZEN COMMISSION ON LEGISLATIVE SALARIES TO ESTABLISH,  
14 ADJUST AND LIMIT THE SALARIES OF MEMBERS OF THE LEGISLATURE;  
15 PROVIDING FOR A VOTER REFERENDUM TO REJECT OR ANNUL THE  
16 FINDINGS OF THE CITIZEN COMMISSION ON LEGISLATIVE SALARIES.  
17

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

19 SECTION 1. It is proposed to amend Article 4 of the  
20 constitution of New Mexico by adding a new section to read:

21 "A. The "citizen commission on legislative  
22 salaries" is established as an independent state agency for the  
23 purpose of establishing, adjusting and limiting the salaries of  
24 members of the legislature.

25 B. The citizen commission on legislative salaries

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1 is composed of nine members of the public who shall be:

2 (1) residents of the state who broadly reflect  
3 the political, cultural and geographic diversity of the state;  
4 provided that:

5 (a) no more than two members shall be  
6 from the same county; and

7 (b) no more than four members shall be  
8 from the same political party, and shall not have changed their  
9 party affiliation within two years prior to appointment;

10 (2) knowledgeable about human resources and  
11 compensation in the public or private sectors; and

12 (3) appointed as follows:

13 (a) one member appointed by the  
14 president pro tempore of the senate;

15 (b) one member appointed by the senate  
16 minority floor leader;

17 (c) one member appointed by the speaker  
18 of the house of representatives;

19 (d) one member appointed by the house  
20 minority floor leader; and

21 (e) five members, no more than two of  
22 whom shall be members of the same political party, appointed by  
23 the state ethics commission.

24 C. The citizen commission on legislative salaries  
25 shall elect a chair, and other officers as it deems necessary,

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1 from among its members. Research, technical, administrative  
2 and other staffing assistance to the commission shall be as  
3 provided by law.

4 D. In establishing, adjusting or limiting the  
5 salaries of members of the legislature, the citizen commission  
6 on legislative salaries:

7 (1) shall consider the state's revenue  
8 estimates and projected economic forecast and take into account  
9 any other compensation, perquisite, allowance, benefit or  
10 reimbursement provided to members of the legislature; provided  
11 that salaries shall be at an amount no less than the statewide  
12 median household income for New Mexico as of the most recent  
13 report by the United States census bureau;

14 (2) shall not raise or lower salaries by more  
15 than ten percent in any single adjustment;

16 (3) shall consider salary levels appropriate  
17 to the duties and responsibilities of the legislators' offices;  
18 and

19 (4) may provide annual incremental salary  
20 increases that take effect prior to the convening of the next  
21 commission meeting.

22 E. The citizen commission on legislative salaries  
23 shall consider salaries for the members of the legislature and  
24 adopt a final report on its determination to establish, adjust  
25 or limit those salaries and shall file that report with the

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1 secretary of state no later than January 1, 2026 and at least  
2 every four years thereafter. An affirmative vote of not less  
3 than five members of the commission is required for adoption of  
4 the commission's final report. The salaries established,  
5 adjusted or limited as provided by the final report of the  
6 commission shall become effective on the first full pay period  
7 in July immediately following the adoption of the report,  
8 except as provided in Article 4, Section 1 of this  
9 constitution. If the final report of the commission is  
10 rejected or annulled pursuant to that section, the salaries in  
11 effect prior to the rejected or annulled final report shall  
12 continue until the next final report of the commission becomes  
13 effective. The legislature shall appropriate sufficient  
14 funding in a general appropriations bill for the salaries  
15 established, adjusted or limited as provided by a final report  
16 of the commission.

17 F. No later than October 1 of the year preceding a  
18 final report, the citizen commission on legislative salaries  
19 shall prepare its preliminary determinations and report them to  
20 the interim legislative entity responsible for finance and  
21 appropriation recommendations and the executive agency  
22 responsible for finance and administration. The commission  
23 shall hold no fewer than one public meeting throughout the  
24 state that provides in-person and virtual participation for  
25 public testimony on the proposed preliminary determinations

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1 before adopting its final report. All meetings, hearings and  
2 business of the commission shall be subject to relevant  
3 statutes enacted or rules promulgated to ensure public access  
4 to meetings and public records.

5 G. The citizen commission on legislative salaries  
6 may seek assistance from any other state agency in conducting  
7 its review, and those agencies shall cooperate with the  
8 commission and provide any necessary information to the  
9 commission upon its request.

10 H. Vacancies among the membership of the citizen  
11 commission on legislative salaries shall be filled in the same  
12 manner as appointment. Appointed members shall serve for  
13 staggered terms as provided by law of four years each.  
14 Vacancies in an appointed member's seat shall be filled for the  
15 remainder of the unexpired term in the same manner as the  
16 original appointment was made. Members of the commission may  
17 be removed during their terms by the authority that appointed  
18 them; provided that the removal shall only be for cause of  
19 incapacity, incompetence, neglect of duty or malfeasance in  
20 office or for a disqualifying change of residence or party  
21 affiliation. A member of the commission may not serve for more  
22 than two full consecutive terms.

23 I. No appointed member of the citizen commission on  
24 legislative salaries shall, within two years of appointment, be  
25 a:

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1 (1) current or former elected official or  
2 state officer;

3 (2) current employee of the state government;

4 (3) person who is a candidate for an elected  
5 public office in the state;

6 (4) current or former lobbyist registered  
7 pursuant to state law within the prior three years; or

8 (5) spouse, domestic partner, parent, child or  
9 sibling, by consanguinity or affinity, or a household member of  
10 a person identified in Paragraphs (1) through (4) of this  
11 subsection.

12 J. A member of the citizen commission on  
13 legislative salaries shall serve without compensation but shall  
14 be reimbursed for expenses incurred in pursuit of that member's  
15 duties as provided by law."

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

18 "A. The legislative power shall be vested in a  
19 senate and house of representatives, which shall be designated  
20 the legislature of the state of New Mexico, and shall hold its  
21 sessions at the seat of government.

22 B. The people reserve the power to disapprove,  
23 suspend and annul:

24 (1) any law enacted by the legislature, except  
25 general appropriation laws; laws providing for the preservation

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1 of the public peace, health or safety; for the payment of the  
2 public debt or interest thereon, or the creation or funding of  
3 the same, except as in this constitution otherwise provided;  
4 for the maintenance of the public schools or state  
5 institutions, and local or special laws. Petitions  
6 disapproving any law other than those above excepted, enacted  
7 at the last preceding session of the legislature, shall be  
8 filed with the secretary of state not less than four months  
9 prior to the next general election. Such petitions shall be  
10 signed by not less than ten ~~[per-centum]~~ percent of the  
11 qualified electors of each of three-fourths of the counties and  
12 in the aggregate by not less than ten ~~[per-centum]~~ percent of  
13 the qualified electors of the state, as shown by the total  
14 number of votes cast at the last preceding general election.  
15 The question of the approval or rejection of such law shall be  
16 submitted by the secretary of state to the electorate at the  
17 next general election; and if a majority of the legal votes  
18 cast thereon, and not less than forty ~~[per-centum]~~ percent of  
19 the total number of legal votes cast at such general election,  
20 be cast for the rejection of such law, it shall be annulled and  
21 thereby repealed with the same effect as if the legislature had  
22 then repealed it, and such repeal shall revive any law repealed  
23 by the act so annulled; otherwise, it shall remain in force  
24 unless subsequently repealed by the legislature. If such  
25 petition or petitions be signed by not less than twenty-five

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1 ~~[per centum]~~ percent of the qualified electors under each of  
2 the foregoing conditions, and be filed with the secretary of  
3 state within ninety days after the adjournment of the session  
4 of the legislature at which such law was enacted, the operation  
5 thereof shall be thereupon suspended and the question of its  
6 approval or rejection shall be likewise submitted to a vote at  
7 the next ensuing general election. If a majority of the votes  
8 cast thereon and not less than forty ~~[per centum]~~ percent of  
9 the total number of votes cast at such general election be cast  
10 for its rejection, it shall be thereby annulled; otherwise, it  
11 shall go into effect upon publication of the certificate of the  
12 secretary of state declaring the result of the vote thereon;

13 and

14 (2) the final report of the citizen commission  
15 on legislative salaries. Petitions disapproving the final  
16 report shall be filed with the secretary of state not more than  
17 ninety days after the final report of the commission is filed  
18 with the secretary of state. Such petitions shall be signed by  
19 not less than ten percent of the qualified electors of each of  
20 three-fourths of the counties and in the aggregate by not less  
21 than ten percent of the qualified electors of the state, as  
22 shown by the total number of votes cast at the last preceding  
23 general election. The question of the approval or rejection of  
24 the final report of the citizen commission on legislative  
25 salaries shall be submitted by the secretary of state to the

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1 electorate at the next general election; and if a majority of  
2 the votes cast thereon, and not less than forty percent of the  
3 total number of votes cast at such general election, be cast  
4 for the rejection of the final report, the determinations made  
5 within the final report shall be annulled. If such petition or  
6 petitions be signed by not less than twenty-five percent of the  
7 qualified electors under each of the foregoing conditions, and  
8 be filed with the secretary of state not more than ninety days  
9 after the final report of the commission is filed with the  
10 secretary of state, the operation thereof shall be thereupon  
11 suspended and the question of its approval or rejection shall  
12 be likewise submitted to a vote at the next ensuing general  
13 election. If a majority of the votes cast thereon and not less  
14 than forty percent of the total number of votes cast at such  
15 general election be cast for its rejection, it shall be thereby  
16 annulled; otherwise, the determinations made within the final  
17 report of the citizen commission on legislative salaries shall  
18 go into effect on the first full pay period in January  
19 preceding that general election. The provisions of this  
20 paragraph shall not apply to the first final report of the  
21 citizen commission on legislative salaries.

22 C. It shall be a felony for any person to sign any  
23 such petition with any name other than ~~[his]~~ the person's own,  
24 or to sign ~~[his]~~ the person's own name more than once for the  
25 same measure, or to sign such petition when ~~[he]~~ the person is

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1 not a qualified elector in the county specified in such  
2 petition; provided that nothing herein shall be construed to  
3 prohibit the writing thereon of the name of any person who  
4 cannot write, and who signs the same with ~~[his]~~ the person's  
5 mark.

6 D. The legislature shall enact laws necessary for  
7 the effective exercise of the power hereby reserved."

8 **SECTION 3.** It is proposed to amend Article 4, Section 10  
9 of the constitution of New Mexico to read:

10 "Each member of the legislature shall receive:

11 A. per diem at the internal revenue service per  
12 diem rate for the city of Santa Fe for each day's attendance  
13 during each session of the legislature and the internal revenue  
14 service standard mileage rate for each mile traveled in going  
15 to and returning from the seat of government by the usual  
16 traveled route, once each session as defined by Article 4,  
17 Section 5 of this constitution;

18 B. per diem expense and mileage at the same rates  
19 as provided in Subsection A of this section for service at  
20 meetings required by legislative committees established by the  
21 legislature to meet in the interim between sessions; ~~[and]~~

22 C. a salary established by the citizen commission  
23 on legislative salaries; and

24 D. no other compensation, perquisite or allowance."

25 **SECTION 4.** The amendment proposed by this resolution

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1 shall be submitted to the people for their approval or  
2 rejection at the next general election or at any special  
3 election prior to that date that may be called for that  
4 purpose.

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