

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION 7

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO BY PROVIDING TO THE STATE ETHICS COMMISSION THE SOLE AUTHORITY TO REVIEW AND ESTABLISH SALARIES EVERY TWO YEARS FOR ALL ELECTED STATE OFFICERS.

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

SECTION 1. It is proposed to amend Article 5, Section 17 of the constitution of New Mexico to read:

"A. The "state ethics commission" is established as an independent state agency under the direction of seven commissioners, no more than three of whom may be members of the same political party, whose terms and qualifications shall be as provided by law. The governor shall appoint one commissioner. One commissioner each shall be appointed by the president pro tempore of the senate, the minority floor leader

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underscored material = new
[bracketed material] = delete

1 of the senate, the speaker of the house of representatives and
2 the minority floor leader of the house of representatives, all
3 as certified by the chief clerks of the respective chambers.

4 Two commissioners, who shall not be members of the same
5 political party, shall be appointed by the four legislatively
6 appointed commissioners.

7 B. The state ethics commission may initiate,
8 receive, investigate and adjudicate complaints alleging
9 violations of, and issue advisory opinions concerning,
10 standards of ethical conduct and other standards of conduct and
11 reporting requirements, as may be provided by law, for state
12 officers and employees of the executive and legislative
13 branches of government, candidates or other participants in
14 elections, lobbyists or government contractors or seekers of
15 government contracts and have such other jurisdiction as
16 provided by law.

17 C. The state ethics commission may require the
18 attendance of witnesses or the production of records and other
19 evidence relevant to an investigation by subpoena as provided
20 by law and shall have such other powers and duties and
21 administer or enforce such other acts as further provided by
22 law.

23 D. The state ethics commission shall review and
24 establish the salary of all elected state officers effective on
25 January 1, 2023 and thereafter effective on January 1 of each

1 odd-numbered year."

2 SECTION 2. It is proposed to amend Article 6, Section 24
3 of the constitution of New Mexico to read:

4 "There shall be a district attorney for each judicial
5 district, who shall be learned in the law, and who shall have
6 been a resident of New Mexico for three years next prior to
7 [~~his~~] election, shall be the law officer of the state and of
8 the counties within [~~his~~] the district attorney's district,
9 shall be elected for a term of four years and shall perform
10 such duties [~~and receive such salary~~] as may be prescribed by
11 law.

12 The legislature shall have the power to provide for the
13 election of additional district attorneys in any judicial
14 district and to designate the counties therein for which the
15 district attorneys shall serve; but no district attorney shall
16 be elected for any district of which [~~he~~] the district attorney
17 is not a resident."

18 SECTION 3. It is proposed to amend Article 6, Section 26
19 of the constitution of New Mexico to read:

20 "The legislature shall establish a magistrate court to
21 exercise limited original jurisdiction as may be provided by
22 law. The magistrate court shall be composed of such districts
23 and elective magistrates as may be provided by law.

24 Magistrates shall be qualified electors of, and reside in,
25 their respective districts, and the legislature shall prescribe

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1 other qualifications. [~~Magistrates shall receive compensation~~
2 ~~as may be provided by law, which compensation shall not be~~
3 ~~diminished during their term of office]~~ Metropolitan court
4 judges shall be chosen as provided in this constitution."

5 SECTION 4. It is proposed to amend Article 6, Section 28
6 of the constitution of New Mexico to read:

7 "The court of appeals shall consist of not less than seven
8 judges, who shall be chosen as provided in this constitution,
9 whose qualifications shall be the same as those of justices of
10 the supreme court [~~and whose compensation shall be as provided~~
11 ~~by law]~~. The increased qualifications provided by this 1988
12 amendment shall not apply to court of appeals judges serving at
13 the time this amendment passes or elected at the general
14 election in 1988.

15 Three judges of the court of appeals shall constitute a
16 quorum for the transaction of business, and a majority of those
17 participating must concur in any judgment of the court.

18 When necessary, the chief justice of the supreme court may
19 designate any justice of the supreme court, or any district
20 judge of the state, to act as a judge of the court of appeals,
21 and the chief justice may designate any judge of the court of
22 appeals to hold court in any district, or to act as a justice
23 of the supreme court."

24 SECTION 5. It is proposed to amend the constitution of
25 New Mexico by repealing:

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