

1 HOUSE JOINT RESOLUTION 12

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Daymon Ely

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO BY CREATING A
12 PUBLIC OFFICER SALARY COMMISSION TO ESTABLISH AND LIMIT THE
13 SALARIES OF ELECTED STATE OFFICERS AND OTHER PUBLIC OFFICERS AS
14 PROVIDED BY LAW; REPEALING THE CONSTITUTIONAL PROVISION
15 PROVIDING FOR LEGISLATIVE PER DIEM AND MILEAGE AND THE
16 PROHIBITION OF LEGISLATIVE COMPENSATION; AND AMENDING OR
17 REPEALING CONSTITUTIONAL PROVISIONS FOR THE ESTABLISHMENT OF
18 CERTAIN EXECUTIVE AND JUDICIAL SALARIES BY LAW.

19
20 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

23 "A. The "public officer salary commission" is
24 established as a state agency under the direction of seven
25 commissioners, no more than four of whom may be members of the

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

1 same political party, whose terms and qualifications shall be
2 as provided by law.

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

14 (1) current governor, lieutenant governor,
15 attorney general, secretary of state, treasurer, state auditor
16 or commissioner of public lands;

17 (2) current member of the judiciary;

18 (3) current legislator;

19 (4) current member of the public regulation
20 commission;

21 (5) current employee of state government;

22 (6) current or former lobbyist, within the
23 prior three years, registered pursuant to New Mexico law; or

24 (7) spouse, domestic partner, parent, child or
25 sibling, by consanguinity or affinity, of a person identified

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1 in Paragraphs (1) through (6) of this subsection.

2 C. The public officer salary commission shall
3 establish and limit salaries for:

4 (1) the governor, lieutenant governor,
5 attorney general, secretary of state, state treasurer, state
6 auditor and commissioner of public lands;

7 (2) justices of the supreme court, judges of
8 the court of appeals and district court judges;

9 (3) legislators;

10 (4) members of the public regulation
11 commission; and

12 (5) other public officers as the legislature
13 may provide.

14 D. The public officer salary commission shall
15 establish and limit salaries for the first full pay period in
16 July 2024 and every two years thereafter, taking into account
17 any other compensation, perquisite, allowance or reimbursement
18 provided to persons identified in Subsection C of this section
19 by the state of New Mexico. The commission shall provide
20 public notice of the salaries it establishes or limits no later
21 than December 1 of the year preceding the effective date of the
22 establishment of or change to a salary. The commission may
23 establish and limit compensation, perquisite, allowance or
24 reimbursement other than salary."

25 SECTION 2. It is proposed to amend Article 6, Section 24

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1 of the constitution of New Mexico to read:

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

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

16 SECTION 3. It is proposed to amend Article 6, Section 28
17 of the constitution of New Mexico to read:

18 "The court of appeals shall consist of not less than seven
19 judges, who shall be chosen as provided in this constitution,
20 whose qualifications shall be the same as those of justices of
21 the supreme court [~~and whose compensation shall be as provided~~
22 ~~by law. The increased qualifications provided by this 1988~~
23 ~~amendment shall not apply to court of appeals judges serving at~~
24 ~~the time this amendment passes or elected at the general~~
25 ~~election in 1988].~~

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

4 When necessary, the chief justice of the supreme court may
5 designate any justice of the supreme court, or any district
6 judge of the state, to act as a judge of the court of appeals,
7 and the chief justice may designate any judge of the court of
8 appeals to hold court in any district, or to act as a justice
9 of the supreme court."

10 SECTION 4. It is proposed to amend the constitution of
11 New Mexico by repealing:

- 12 A. Article 4, Section 10;
- 13 B. Article 5, Section 12;
- 14 C. Article 6, Section 11; and
- 15 D. Article 6, Section 17.

16 SECTION 5. The amendment proposed by this resolution
17 shall be submitted to the people for their approval or
18 rejection at the next general election or at any special
19 election prior to that date that may be called for that purpose
20 and if so approved, the provisions of:

- 21 A. Section 1 shall take effect on January 1, 2023;
- 22 and
- 23 B. Sections 2 through 4 shall take effect on July
- 24 1, 2024.