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SENATE BILL 367

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

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO THE CONSTITUTION OF NEW MEXICO; CREATING AN
INDEPENDENT CONSTITUTIONAL REVISION COMMISSION PURSUANT TO
ARTICLE 19, SECTION 1 OF THE CONSTITUTION OF NEW MEXICO; MAKING
AN APPROPRIATION; DECLARING AN EMERGENCY.

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

SECTION 1. [NEW MATERIAL] CONSTITUTIONAL REVISION
COMMISSION--CREATION--COMPOSITION.--The "constitutional
revision commission" is created as an independent commission
pursuant to Article 19, Section 1 of the constitution of New
Mexico. The commission shall be composed of fifteen voting
members and two advisory, nonvoting members. Members shall be
appointed pursuant to the following provisions:

A. twelve public members shall be appointed by the
New Mexico legislative council, of whom no more than six shall

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1 belong to the same political party;

2 B. three public members shall be appointed by the
3 governor, of whom no more than two shall belong to the same
4 political party;

5 C. the appointments shall be coordinated to ensure
6 that the different geographical areas of the state are
7 represented and that the members reflect the cultural,
8 economic, professional and ethnic diversity of New Mexico;

9 D. no more than eight members appointed shall
10 belong to the same political party;

11 E. the chief justice of the New Mexico supreme
12 court or the chief justice's designee and the attorney general
13 or the attorney general's designee shall serve in an advisory,
14 nonvoting capacity; and

15 F. members considered for appointment to the
16 commission shall not have changed party affiliation for at
17 least one year prior to being appointed to the commission.

18 SECTION 2. [NEW MATERIAL] OFFICERS--VACANCIES.--The
19 constitutional revision commission shall elect a chair and
20 other necessary officers from among its members. Vacancies on
21 the commission shall be filled by appointment by the respective
22 appointing authority that made the original appointment, and
23 those appointments shall be subject to the same criteria
24 applicable to the initial appointments.

25 SECTION 3. [NEW MATERIAL] POWERS AND DUTIES.--

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- 1 A. The constitutional revision commission shall:
- 2 (1) examine the constitution of New Mexico and
- 3 the constitutions of other states to recommend changes in the
- 4 constitution of New Mexico as it deems desirable and necessary;
- 5 (2) review the findings of the 1967
- 6 constitutional revision commission, the 1969 constitutional
- 7 convention and the 1994 constitutional revision commission; and
- 8 (3) meet at least four times in 2021 and at
- 9 the call of the chair.

10 B. Upon majority approval of the fifteen voting

11 members, legislation shall be drafted and submitted to the

12 legislature for its review in accordance with the provisions of

13 Article 19, Section 1 of the constitution of New Mexico.

14 SECTION 4. [NEW MATERIAL] REPORTS AND RECOMMENDATIONS.--

15 The constitutional revision commission shall make a full report

16 of its findings and recommendations. The report and any

17 recommended constitutional revisions shall be made to the

18 governor and to each member of the fifty-fifth legislature not

19 later than thirty days prior to the convening of its second

20 regular session.

21 SECTION 5. [NEW MATERIAL] STAFFING.--The staffing and

22 research work shall be done under the supervision of the chair

23 of the constitutional revision commission by contractors

24 selected through a competitive bid process conducted by the

25 director of the legislative council service, in coordination

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1 and consultation with the chair. Additional staffing and
2 research work may be done by the legislative council service
3 upon the request of the commission and approval by the New
4 Mexico legislative council.

5 SECTION 6. [NEW MATERIAL] SUBCOMMITTEES.--In the
6 performance of its duties, the constitutional revision
7 commission may divide into subcommittees, but the findings and
8 recommendations of the commission shall be adopted and reported
9 only upon majority approval of the fifteen voting members.

10 SECTION 7. [NEW MATERIAL] PER DIEM AND MILEAGE.--Members
11 of the constitutional revision commission shall receive per
12 diem and mileage as provided for in the Per Diem and Mileage
13 Act and shall receive no other compensation, perquisite or
14 allowance.

15 SECTION 8. APPROPRIATION.--One hundred fifty thousand
16 dollars (\$150,000) is appropriated from the general fund to the
17 legislature to be administered by the legislative council
18 service for expenditure in fiscal years 2021 and 2022 to carry
19 out the provisions of this act. Any unexpended or unencumbered
20 balance remaining at the end of fiscal year 2022 shall revert
21 to the general fund.

22 SECTION 9. DELAYED REPEAL.--The provisions of this act
23 are repealed effective April 1, 2022.

24 SECTION 10. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect immediately.

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