

1 SENATE JOINT RESOLUTION 7

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO BY PROVIDING
12 TO THE STATE ETHICS COMMISSION THE SOLE AUTHORITY TO REVIEW AND
13 ESTABLISH SALARIES EVERY TWO YEARS FOR ALL ELECTED STATE
14 OFFICERS AND ALL ELECTED COUNTY OFFICERS.
15

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

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

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

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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 set
24 the salary of all elected state officers and elected county
25 officers effective on January 1, 2023 and thereafter effective

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1 on January 1 of each odd-numbered year."

2 SECTION 2. It is proposed to amend Article 6, Section 23
3 of the constitution of New Mexico to read:

4 "A probate court is hereby established for each county,
5 which shall be a court of record, and, until otherwise provided
6 by law, shall have the same jurisdiction as heretofore
7 exercised by the probate courts of New Mexico and shall also
8 have jurisdiction to determine heirship with respect to real
9 property in all proceedings for the administration of
10 decedents' estates. The legislature shall have power from time
11 to time to confer upon the probate court in any county in this
12 state jurisdiction to determine heirship in all probate
13 proceedings, and shall have power also from time to time to
14 confer upon the probate court in any county in this state
15 general civil jurisdiction coextensive with the county;
16 provided, however, that such court shall not have jurisdiction
17 in civil causes in which the matter in controversy shall exceed
18 in value three thousand dollars [~~(\$3,000.00)~~] (\$3,000)
19 exclusive of interest and cost; nor in any action for malicious
20 prosecution, slander and libel; nor in any action against
21 officers for misconduct in office; nor in any action for the
22 specific performance of contracts for the sale of real estate;
23 nor in any action for the possession of land; nor in any matter
24 wherein the title or boundaries of land may be in dispute or
25 drawn in question, except as title to real property may be

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1 affected by the determination of heirship; nor to grant writs
2 of injunction, habeas corpus or extraordinary writs.
3 Jurisdiction may be conferred upon the judges of said court to
4 act as examining and committing magistrates in criminal cases,
5 and upon said courts for the trial of misdemeanors in which the
6 punishment cannot be imprisonment in the penitentiary, or in
7 which the fine cannot be in excess of one thousand dollars
8 (\$1,000). A jury for the trial of such cases shall consist of
9 six ~~men~~ persons. The legislature shall prescribe the
10 qualifications ~~[and fix the compensation]~~ of probate judges."

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

13 "There shall be a district attorney for each judicial
14 district, who shall be learned in the law, and who shall have
15 been a resident of New Mexico for three years next prior to
16 ~~[his]~~ election, shall be the law officer of the state and of
17 the counties within ~~[his]~~ the district attorney's district,
18 shall be elected for a term of four years and shall perform
19 such duties ~~[and receive such salary]~~ as may be prescribed by
20 law.

21 The legislature shall have the power to provide for the
22 election of additional district attorneys in any judicial
23 district and to designate the counties therein for which the
24 district attorneys shall serve; but no district attorney shall
25 be elected for any district of which ~~[he]~~ the district attorney

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1 is not a resident."

2 SECTION 4. It is proposed to amend Article 6, Section 26
3 of the constitution of New Mexico to read:

4 "The legislature shall establish a magistrate court to
5 exercise limited original jurisdiction as may be provided by
6 law. The magistrate court shall be composed of such districts
7 and elective magistrates as may be provided by law.
8 Magistrates shall be qualified electors of, and reside in,
9 their respective districts, and the legislature shall prescribe
10 other qualifications. [~~Magistrates shall receive compensation
11 as may be provided by law, which compensation shall not be
12 diminished during their term of office~~] Metropolitan court
13 judges shall be chosen as provided in this constitution."

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

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

24 Three judges of the court of appeals shall constitute a
25 quorum for the transaction of business, and a majority of those

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1 participating must concur in any judgment of the court.

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

8 SECTION 6. It is proposed to amend the constitution of
9 New Mexico by repealing:

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

14 SECTION 7. The amendments proposed by this resolution
15 shall be submitted to the people for their approval or
16 rejection at the next general election or at any special
17 election prior to that date that may be called for that purpose
18 and if so approved, the provisions of:

- 19 A. Section 1 shall take effect on January 1, 2021;
- 20 and
- 21 B. Sections 2 through 6 shall take effect on
- 22 January 1, 2023.