

HOUSE JOINT RESOLUTION 8

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 4 OF THE CONSTITUTION OF NEW MEXICO  
BY ALLOWING FOR PROVISION OF LEGISLATIVE SALARIES AND CREATING  
A CITIZEN COMMISSION ON LEGISLATIVE SALARIES TO ESTABLISH,  
ADJUST AND LIMIT THE SALARIES OF MEMBERS OF THE LEGISLATURE  
HGEIC→;←HGEIC HGEIC→.←HGEIC HGEIC→~~PROVIDING FOR A VOTER  
REFERENDUM TO REJECT OR ANNUL THE FINDINGS OF THE CITIZEN  
COMMISSION ON LEGISLATIVE SALARIES.~~←HGEIC

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

.223129.4AIC February 7, 2023 (3:30pm)

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

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

B. The citizen commission on legislative salaries is composed of nine members of the public who shall be:

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

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

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

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

(3) appointed as follows:

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

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

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

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

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

C. The citizen commission on legislative salaries shall elect a chair, and other officers as it deems necessary, from among its members. Research, technical, administrative and other staffing assistance to the commission shall be as provided by law.

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

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

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

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

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

E. The citizen commission on legislative salaries shall consider salaries for the members of the legislature and adopt a final report on its determination to establish, adjust or limit those salaries and shall file that report with the secretary of state no later than January 1, 2026 and at least every four years thereafter. An affirmative vote of not less than five members of the commission is required for adoption of the commission's final report. The salaries established, adjusted or limited as provided by the final report of the commission shall become effective on the first full pay period in July immediately following the adoption of the report

HGEIC→, ~~except as provided in Article 4, Section 1 of this constitution. If the final report of the commission is rejected or annulled pursuant to that section, the salaries in effect prior to the rejected or annulled final report shall continue until the next final report of the commission becomes effective~~←HGEIC . The legislature shall appropriate sufficient

funding in a general appropriations bill for the salaries established, adjusted or limited as provided by a final report of the commission.

F. No later than October 1 of the year preceding a final report, the citizen commission on legislative salaries

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shall prepare its preliminary determinations and report them to the interim legislative entity responsible for finance and appropriation recommendations and the executive agency responsible for finance and administration. The commission shall hold no fewer than one public meeting throughout the state that provides in-person and virtual participation for public testimony on the proposed preliminary determinations before adopting its final report. All meetings, hearings and business of the commission shall be subject to relevant statutes enacted or rules promulgated to ensure public access to meetings and public records.

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

H. Vacancies among the membership of the citizen commission on legislative salaries shall be filled in the same manner as appointment. Appointed members shall serve for staggered terms as provided by law of four years each. Vacancies in an appointed member's seat shall be filled for the remainder of the unexpired term in the same manner as the original appointment was made. Members of the commission may be removed during their terms by the authority that appointed them; provided that the removal shall only be for cause of

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incapacity, incompetence, neglect of duty or malfeasance in office or for a disqualifying change of residence or party affiliation. A member of the commission may not serve for more than two full consecutive terms.

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

- (1) current or former elected official or state officer;
- (2) current employee of the state government;
- (3) person who is a candidate for an elected public office in the state;
- (4) current or former lobbyist registered pursuant to state law within the prior three years; or
- (5) spouse, domestic partner, parent, child or sibling, by consanguinity or affinity, or a household member of a person identified in Paragraphs (1) through (4) of this subsection.

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

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

~~"A. The legislative power shall be vested in a~~

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~~senate and house of representatives, which shall be designated the legislature of the state of New Mexico, and shall hold its sessions at the seat of government.~~

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

~~(1) any law enacted by the legislature, except general appropriation laws; laws providing for the preservation of the public peace, health or safety; for the payment of the public debt or interest thereon, or the creation or funding of the same, except as in this constitution otherwise provided; for the maintenance of the public schools or state institutions, and local or special laws. Petitions disapproving any law other than those above excepted, enacted at the last preceding session of the legislature, shall be filed with the secretary of state not less than four months prior to the next general election. Such petitions shall be signed by not less than ten [per centum] percent of the qualified electors of each of three-fourths of the counties and in the aggregate by not less than ten [per centum] percent of the qualified electors of the state, as shown by the total number of votes cast at the last preceding general election. The question of the approval or rejection of such law shall be submitted by the secretary of state to the electorate at the next general election; and if a majority of the legal votes~~

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~~cast thereon, and not less than forty [per centum] percent of the total number of legal votes cast at such general election, be cast for the rejection of such law, it shall be annulled and thereby repealed with the same effect as if the legislature had then repealed it, and such repeal shall revive any law repealed by the act so annulled; otherwise, it shall remain in force unless subsequently repealed by the legislature. If such petition or petitions be signed by not less than twenty-five [per centum] percent of the qualified electors under each of the foregoing conditions, and be filed with the secretary of state within ninety days after the adjournment of the session of the legislature at which such law was enacted, the operation thereof shall be thereupon suspended and the question of its approval or rejection shall be likewise submitted to a vote at the next ensuing general election. If a majority of the votes cast thereon and not less than forty [per centum] percent of the total number of votes cast at such general election be cast for its rejection, it shall be thereby annulled; otherwise, it shall go into effect upon publication of the certificate of the secretary of state declaring the result of the vote thereon;~~

and

~~(2) the final report of the citizen commission on legislative salaries. Petitions disapproving the final report shall be filed with the secretary of state not more than~~



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~~ninety days after the final report of the commission is filed with the secretary of state. Such petitions shall be signed by not less than ten percent of the qualified electors of each of three-fourths of the counties and in the aggregate by not less than ten percent of the qualified electors of the state, as shown by the total number of votes cast at the last preceding general election. The question of the approval or rejection of the final report of the citizen commission on legislative salaries shall be submitted by the secretary of state to the electorate at the next general election; and if a majority of the votes cast thereon, and not less than forty percent of the total number of votes cast at such general election, be cast for the rejection of the final report, the determinations made within the final report shall be annulled. If such petition or petitions be signed by not less than twenty-five percent of the qualified electors under each of the foregoing conditions, and be filed with the secretary of state not more than ninety days after the final report of the commission is filed with the secretary of state, the operation thereof shall be thereupon suspended and the question of its approval or rejection shall be likewise submitted to a vote at the next ensuing general election. If a majority of the votes cast thereon and not less than forty percent of the total number of votes cast at such general election be cast for its rejection, it shall be thereby~~

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~~annulled; otherwise, the determinations made within the final report of the citizen commission on legislative salaries shall go into effect on the first full pay period in January preceding that general election. The provisions of this paragraph shall not apply to the first final report of the citizen commission on legislative salaries.~~

~~C. It shall be a felony for any person to sign any such petition with any name other than [his] the person's own, or to sign [his] the person's own name more than once for the same measure, or to sign such petition when [he] the person is not a qualified elector in the county specified in such petition; provided that nothing herein shall be construed to prohibit the writing thereon of the name of any person who cannot write, and who signs the same with [his] the person's mark.~~

~~D. The legislature shall enact laws necessary for the effective exercise of the power hereby reserved."~~←HGEIC

SECTION HGEIC→3.←HGEIC HGEIC→2.←HGEIC It is proposed to amend Article 4, Section 10 of the constitution of New Mexico to read:

"Each member of the legislature shall receive:

A. per diem at the internal revenue service per diem rate for the city of Santa Fe for each day's attendance during each session of the legislature and the internal revenue service standard mileage rate for each mile traveled in going

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to and returning from the seat of government by the usual traveled route, once each session as defined by Article 4, Section 5 of this constitution;

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

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

D. no other compensation, perquisite or allowance."

SECTION HGEIC→4.←HGEIC HGEIC→3.←HGEIC The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.