



Lutheran Advocacy Ministry-New Mexico

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**A BRIEF OVERVIEW OF THE
 NEW MEXICO LEGISLATURE**

The New Mexico legislature has two chambers:

| <u>Chamber</u> | <u>Membership</u> | <u>Length of Terms</u> | <u>Time of Election</u> |
|---------------------------------|--------------------------|-------------------------------|---|
| Senate | 42 | 4 years | All seats elected at every other general election |
| House of Representatives | 70 | 2 years | All seats elected at every general election |

The legislature convenes at noon on the third Tuesday in January of each year. The length of regular legislative sessions alternates between 60 days in an odd-numbered year and 30 days in an even-numbered year. During 60 day sessions there are very few restrictions on the subjects of bills that may be introduced. However, during 30-day sessions, the legislature may consider only appropriations and revenue bills, bills drafted pursuant to a special message of the governor, and vetoed bills from the previous session. During 30 day sessions, bills are determined to be germane (relevant and allowed to be considered) by the House Rules Committee or the Senate Committees' Committee.

Special sessions may be called by the governor. Only matters contained in the governor's proclamation (commonly referred to as the governor's call) may be considered during special sessions. The legislature can call itself into special session when three-fifths of the members of each chamber certify to the governor that in their opinion an emergency exists in the affairs of the state.

The governor may veto bills passed by the legislature. If the governor receives a bill before the final three days of a session, the governor must act (sign or veto) on the bill within 3 days. Bills passed during the last three days of any session must be signed within 20 days of adjournment to become law. The governor can veto or "pocket" veto (ignore) a bill. Bills become law 90 days after adjournment except for general appropriation bills, which go into effect immediately; those with specific effective dates; and those passed with an "emergency clause" which makes them effective immediately.

ORGANIZATION

The New Mexico legislature is organized on a partisan basis. Members of the Republican and Democratic parties in each chamber meet in caucus before a session begins to organize.

The legislature does most of its work in committee. Standing committees meet during sessions and interim committees meet in the time between sessions. Committees vary in size with party strength on each committee roughly reflecting chamber-wide party strength. Committee chairs have power and flexibility in guiding committee business and in expediting or delaying legislation.

❖ House of Representatives

The majority party in the House of Representatives chooses a nominee for Speaker of the House of Representatives and the entire House elects the Speaker. The majority caucus elects a majority floor leader, a majority whip and a caucus chair. Currently, there are 38 Republicans and 32 Democrats in the House.

The Speaker of the House is the most important House leader. The Speaker is the presiding officer of the House who administers the order of business, answers parliamentary inquiries, and makes parliamentary rulings subject to an appeal to the membership of the House. The Speaker also has the authority to appoint committee chairs and members of all standing committees of the House. The Speaker assigns bills to committees. In addition, the Speaker signs all passed bills, resolutions, and memorials and certifies the passage of bills over the governor's veto.

The majority floor leader is second in rank to the Speaker. The majority floor leader plays a major role in the scheduling and conduct of debate and helps to manage the business of the House. The majority whip assists the majority floor leader and Speaker by keeping track of the positions of party members on major issues.

The minority party caucus elects a minority floor leader, minority whip and a caucus chair. Their duties are similar to those of their majority counterparts.

➤ House standing committees—

Substantive committees:

- ***Agriculture & Water Resources***
- ***Appropriations & Finance***
- ***Business & Industry***
- ***Consumer & Public Affairs***
- ***Education***
- ***Energy, Environment & Natural Resources***
- ***Health & Human Services***
- ***Judiciary***
- ***Labor & Economic Development***
- ***Local Government, Elections, Land Grants & Cultural Affairs***
- ***Rules & Order of Business***
- ***State Government, Indian & Veterans' Affairs***
- ***Taxation & Revenue***
- ***Transportation, Public Works & Capital Improvements***

Procedural committees:

- ***Printing & Supplies***
- ***Enrolling & Engrossing***

❖ Senate

The Lieutenant Governor is president of the Senate and its presiding officer but can vote only in case of a tie. The majority caucus chooses a nominee for President Pro Tempore but this position is elected by the entire Senate. The majority caucus elects the majority floor leader, a majority whip and a caucus chair. The minority party elects a minority floor leader, minority whip and a caucus chair. Currently, there are 26 Democrats and 16 Republicans elected to the Senate.

Whenever the Lieutenant Governor is not presiding, the President Pro Tempore presides or appoints a senator to preside. The President Pro Tempore is the most important Senate leader and chairs the Committee's Committee, which exercises most of the procedural and administrative powers in the Senate. The majority and minority floor leaders and whips have duties similar to those of their House counterparts except that Senate party leaders also serve on the Committees' Committee.

Subject to the approval of the entire Senate, committee assignments are made by the Committee's Committee.

- *Senate standing committees, in addition to the Committee's Committee:*
 - *Conservation*
 - *Corporations & Transportation*
 - *Education*
 - *Finance*
 - *Indian & Cultural Affairs*
 - *Judiciary*
 - *Public Affairs*
 - *Rules*

LEGISLATIVE PROCESS

The state legislature is the primary policy making body in state government. The legislature passes bills that must be signed by the governor in order to become law. A major task of the legislature is to appropriate funds for the operation of state government and for public education. During the interim (the time between sessions), interim committees meet to hear public input and study issues on a more in depth basis than is possible during sessions. The Legislative Finance Committee is the interim committee that recommends the appropriations to be included in the state budget. The executive also makes recommendations for budget appropriations. During legislative sessions, the House Appropriations and Finance Committee and the Senate Finance Committee develop the general appropriation bills.

The legislature considers three basic types of legislation. Memorials are an expression of legislative desire, do not have the force of law, and do not require the governor's signature. Memorials can be passed only by one chamber or can be passed by both chambers as joint memorials. Resolutions are formal declarations by the legislature and are primarily used to propose amendments to the state constitution which then must be approved by the voters at a general election. Bills are used to propose laws or change existing law. In order to

become a law, a bill must be passed by the House and the Senate in exactly the same form and signed by governor.

The Legislative Council Service, which ensures that bills are in proper format and conform to state constitutional requirements, drafts all bills. The Council Service provides year-round professional staff services for legislators and is supervised by the Legislative Council, which is headed by legislative leadership from both parties. Council Service staff members are prohibited from advocating for or opposing legislation and by law all requests are confidential between the staff and legislators. In addition, the Council Service prepares research reports, maintains a legislative reference library, provides staff assistance to interim committees, is in charge of the Bill Room (located in the basement/1st floor of the capitol) and prepares the Bill Locator (a daily summary, posted daily on the legislative website, of the status of every piece of legislation introduced during a session).

Representatives and senators may introduce as many pieces of legislation as they would like. All three types of legislation can be killed at any step in the process. Referral to more than two committees increases the odds against a bill's passage since a bill must be passed by each committee to which it is referred and then passed on the floor of the chamber in which it was originally introduced. A bill must then be referred to committees in the other chamber, passed in committee and on the floor of that chamber. A bill can be amended at most points in the process. At times amendments to a bill can result in a sponsor "pulling" the bill because it may no longer reflect its original intent.

Committee chairs prepare the agendas for their committee meetings. Agendas list the bills that are scheduled to be heard at a particular committee meeting. Committee meetings are held in the morning and in the afternoon and evening during sessions. Floor sessions are generally scheduled in the morning and may continue for many hours. Because of the length of floor debate or the time it may take to hear bills not all bills scheduled for a meeting may be heard. Usually those bills not heard will be rescheduled for the next meeting of the committee. The sponsor (the legislator who introduced the bill) will present a bill to the committee. Sometimes the sponsor will ask an expert witness to assist in presenting a bill. Following presentation, the committee chair will usually ask for comments from those who would like to express support or opposition to the bill. Committee meetings are open to the public and anyone may speak in favor or in opposition to a bill. Members of the committee will then have an opportunity to ask questions, make comments or propose amendments. Bills may be given a "do pass" or "do not pass" recommendation or may be "tabled." Tabling a bill usually means it is dead. However, in the House Appropriations and Finance Committee and the Senate Finance Committee, all appropriation bills are tabled until the full General Appropriations Act (commonly known as HB2) is developed.

NM Legislature's Website: www.nmlegis.gov

During sessions, all legislators may be reached at 505-986-4300

Governor's office - 505-476-2200 www.governor.state.nm.us