

# **New Mexico Discovery Project**

## Workflows

05/13/2022

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## Revision History

Version	Date	Notes
V1	December 13, 2021	Version 1 delivered December 2021
V2	April 4, 2022	Updated based on New Mexico Legislature Staff feedback, corrections and clarifications.
V3	May 13, 2022	Updated based on New Mexico Legislature Staff feedback, corrections and clarifications.

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# 1. New Mexico Workflows

## 1.1. Introduction

Following the issuing of a request for proposals for ‘A Survey and Mapping of the Workflow, Processes and Documents used in the Legislative Process’ by the Legislative Council Service of New Mexico, Propylon was selected to carry out the survey. For this survey, two key deliverables were agreed – a complete workflow assessment, including diagrams, and a discovery report with observations and recommendations. This report represents the first deliverable and details the workflow and processes associated with the law-making process in New Mexico. It includes a brief narrative description of the process followed by a workflow diagram.

While every effort has been made to ensure the accuracy of these workflows, if any errors or omissions are found, please do let the Propylon team know and we will update the document accordingly.

## 1.2. Creation of a Bill

At its core, one of the primary responsibilities of a legislature is to create and update the law. As such, the process of making changes to law must have vigorous checks and balances in place to ensure that all changes that are proposed have been thoroughly reviewed before they have the opportunity to be approved.

### 1.2.1. Drafting of Bills

When an individual has an idea to create or change law, the first step of the process is to forward that idea to a legislator who will authorize the drafting of a new bill. While the approving legislator does not necessarily need to ultimately become the sponsor of that new bill, having their approval is required to begin the process. State agencies, the governor and other legislative agencies can also request legislation without initially needing a legislative sponsor.

After receiving a request for a new bill with the correct approval, an authorized individual opens the “202 file” to record all relevant information regarding the new bill. The “green sheet” is printed containing all of the information included in the 202 file. This consists of the unique “202 number”, which serves as the unique identifier for the bill. Once this information is delivered to the designated drafter, the drafting process can begin.

For amendatory bills, existing statute is imported within a WordPerfect file (see ‘Figure 2 – Insert Zoo Section Options’), and the drafter makes the requested changes and may add sections of new material, non-amendatory sections, as needed. Using the WordPerfect error checking tools, various checks are run against the newly saved version of the bill. These checks ensure that the statutory integrity of the amendatory sections are maintained by checking each word of the proposed changed section against the archived section; section and subsection numbering/lettering; and multiple formatting issues. Following the resolution of these errors, the document is sent on to the proofing team for their review. Proofers convert the WordPerfect file to PDF, check all content of the bill for accuracy, mark needed changes and send the file on to Word Processing to be put into the system, which includes putting the bill in the proper shell and saving on the appropriate network drive (wordpros). Word Processing sends the file back to the proofers, where the file is reviewed again, changes are marked and returned to Word Processing. This cycle continues until the bill is approved. When the proofing team approves the bill, it is sent on for a final review by the original drafter, who sends the bill to the requester for review. Any suggestions by the requester are sent back to the drafter who incorporates them into the bill, which then must go through proofing and word processing again. However, if the original requester approves the bill, then the "DISCUSSION DRAFT" language and the date are removed, bill is prepared for introduction, copies of the bill are made by the LCS bill clerks and the bill

is put into a bill jacket and delivered pursuant to instructions of the bill sponsor. The sponsor or designated staff member who receives the bill will then deliver it to the Chief Clerk to be filed for introduction.

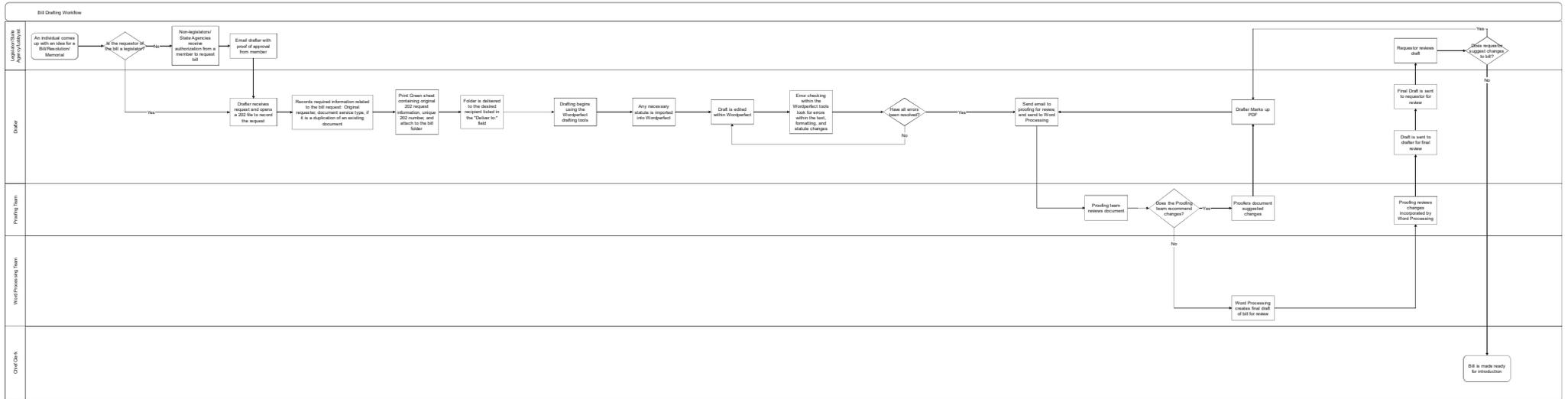


Figure 1 - Bill Drafting

### **1.2.2. Drafting of Memorials**

Memorials are a formal expression of legislative desire, by at least one chamber, without the force of law. A “Simple Memorial” is one that will only be reviewed by the originating chamber, while a “Joint Memorial” is one that will be reviewed by both chambers, but both will follow the same process for drafting as a bill. Memorial are, however, drafted in a very distinct format that differs from a bill. The drafter will use WordPerfect to draft and error check. The proofing team will review and the word processing team will process the memorial before it is then forwarded on to the original requester where it continues its path towards introduction.

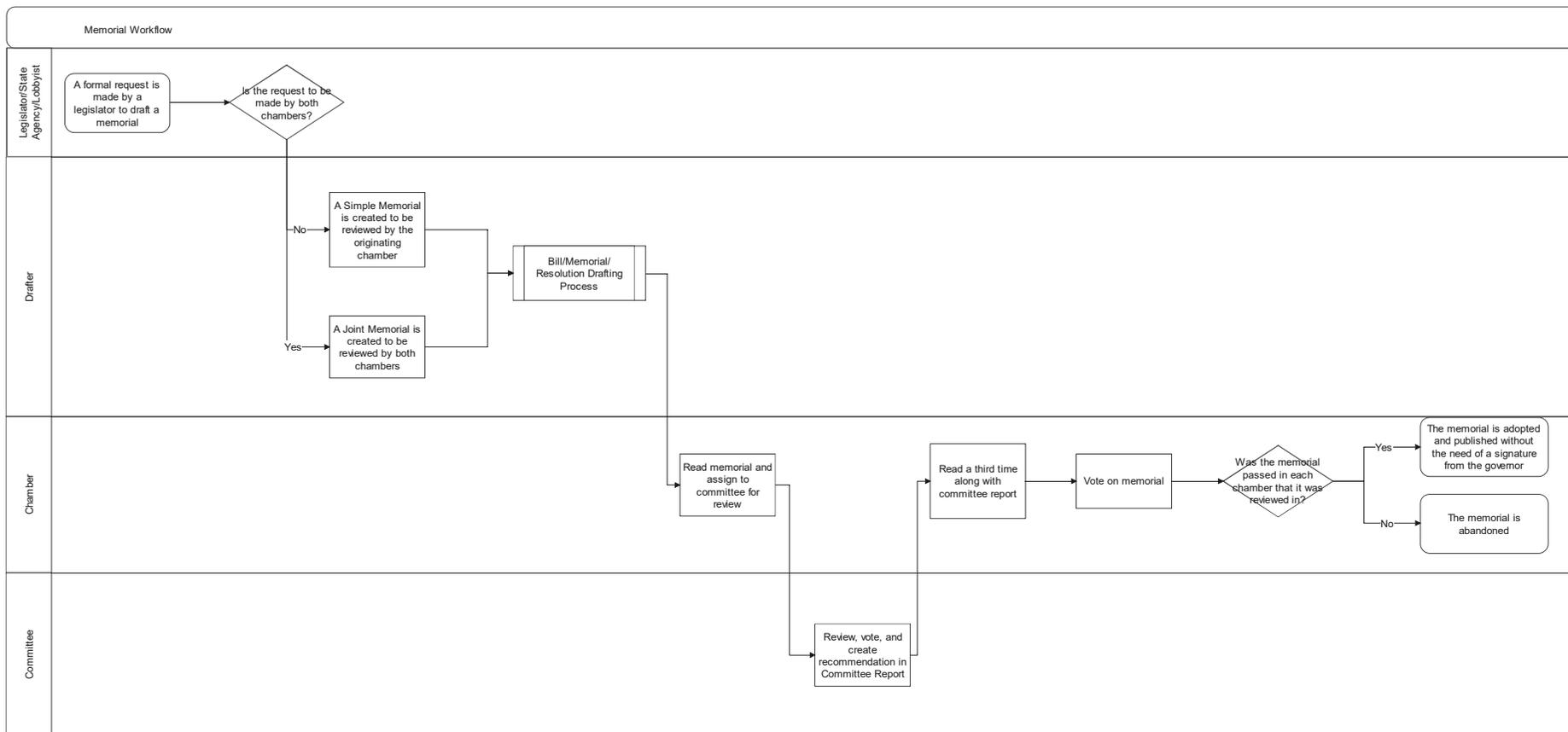


Figure 2 - Memorials

### **1.2.3. Drafting of Resolutions**

Simple resolutions are a request to change the rules of at least one chamber. Similar to memorials, they follow the same drafting and review process as bills. They are also drafted in a similar format to a memorial. A “Simple Resolution” changes the chamber rules for a single chamber. Concurrent Resolutions are used in order to amend the joint chamber rules.

A “Joint Resolution” is drafted in a similar format to a Bill. Joint Resolutions are generally used to:

1. Propose amendments to the New Mexico constitution;
2. Ratify amendments to the federal constitution; or
3. Express the approval of the legislature in those instances where by statute the legislature has required only legislative (not executive) approval for some action, such as approving the sale, trade or lease of state-owned real property as required by Section 13-6-3 NMSA 1978.

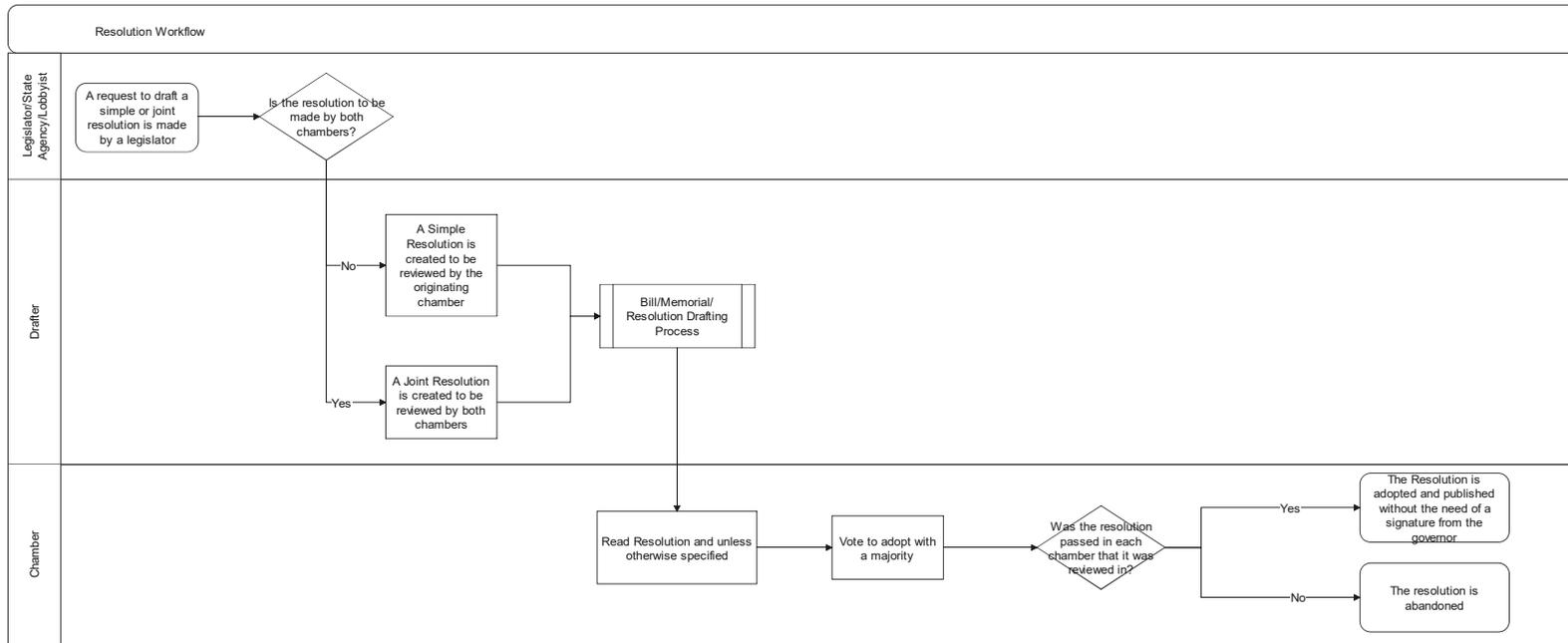


Figure 3 - Resolutions

#### **1.2.4. Analysis of Fiscal Impact**

Fiscal Impact Reports (FIR) are documents that detail assessments made by the Legislative Finance Committee (LFC) on the financial effect a bill will have if passed in its current state. While not related directly to the drafting of a bill, the Fiscal Impact Report (FIR) is run after each version of a document (Bill/Resolution/Memorial) has been introduced. This includes when a document has been introduced, amended, or substituted. To assist with the review of the changes included within a document, this analysis is performed to identify if there will be any costs or savings associated with the change. Since amendments and substitutes associated with the document could alter these costs or savings, a Fiscal Impact Report (FIR) must also be prepared after amendments or substitutes have been adopted.

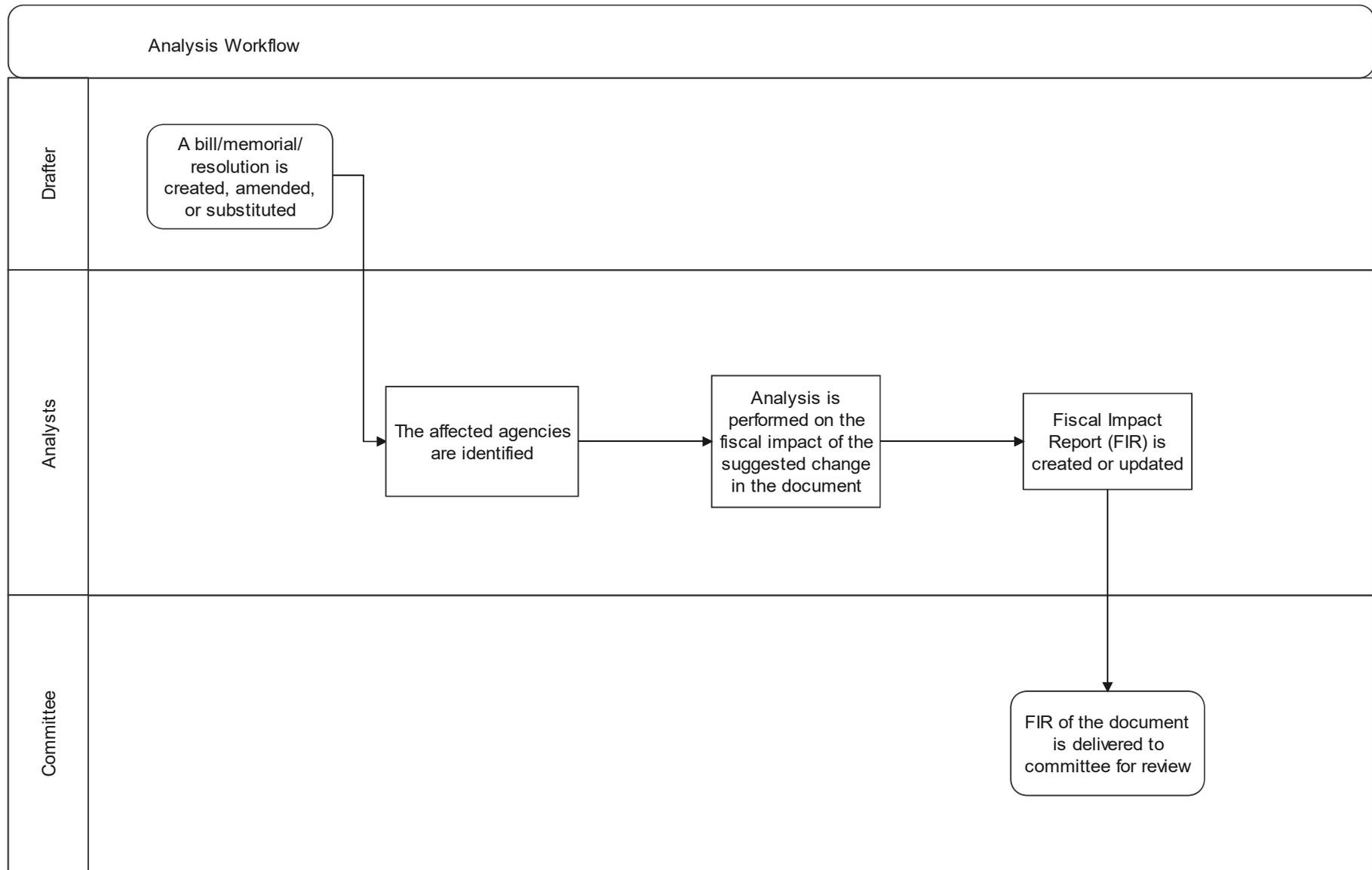


Figure 4 - Analysis of Financial Impact

## **1.3. Drafting of Amendments and Substitutes**

### **1.3.1. Standing Committee Amendments**

Amendments and substitutes are created using a similar process within the 202 system as the bill itself. When a drafter receives a request to create an amendment, they create a new document in the 202 system with the document type of “Amendment” selected. Within WordPerfect, they run the PA macro (see ‘Figure 4 – PA Macro in WordPerfect’), which generates the template that will be used. In the event that the bill has already been amended, the drafter researches all previous amendments to ensure that there will be no conflicts. If there are no such conflicts, they begin drafting the requested changes.

As part of the process of drafting the first copy of the amendment, the drafter generates a marked-up version of the bill, which is sent to the proofing team along with the amendment for review. Following the same proofing process as a bill, the proofers identify any suggested changes to the Amendment and, with the help of the word processing team, send a PDF copy of the amendment back to the drafter. The drafter reviews the suggested changes and returns a revised draft to proofing. Once the proofing team approves the amendment, the word processing team creates a final PDF copy of the amendment, which is then sent back to the drafter along with proofing notes.

After reviewing the document and proofing notes a final time, the drafter forwards the amendment on to the requester. In the event that there are additional changes that the requester would like to see, it is sent back into the drafting loop between the drafter and the proofing team. Once the requester has approved the amendment, copies of the amendment are printed and delivered as requested (pickup or delivery). The 202 record is subsequently closed.

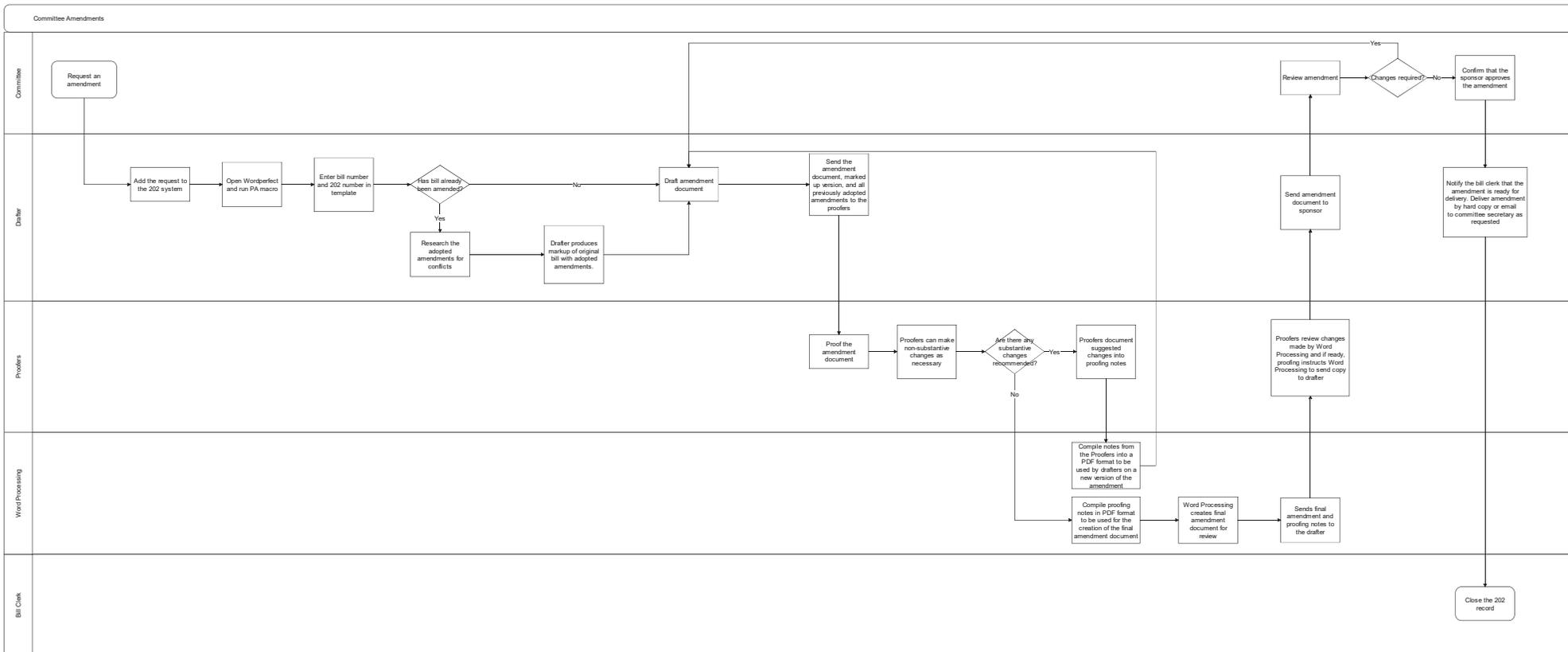


Figure 5 - Committee Amendments

### **1.3.2. Floor Amendments**

The process for creating a floor amendment is almost identical to that of a committee amendment, with the only exception being that the requester of the amendment is named as its “sponsor”, as opposed to a committee amendment where a legislator or committee can be named as its sponsor. The sponsor requests an amendment from a drafter. Using the same process as a committee amendment, the drafter creates the amendment in WordPerfect before sending it on to the proofing team. The proofer works with the drafter to perfect the amendment before it is sent to the sponsor. Once the amendment has been accepted by the sponsor, the amendment is delivered as requested and the 202 file is closed.

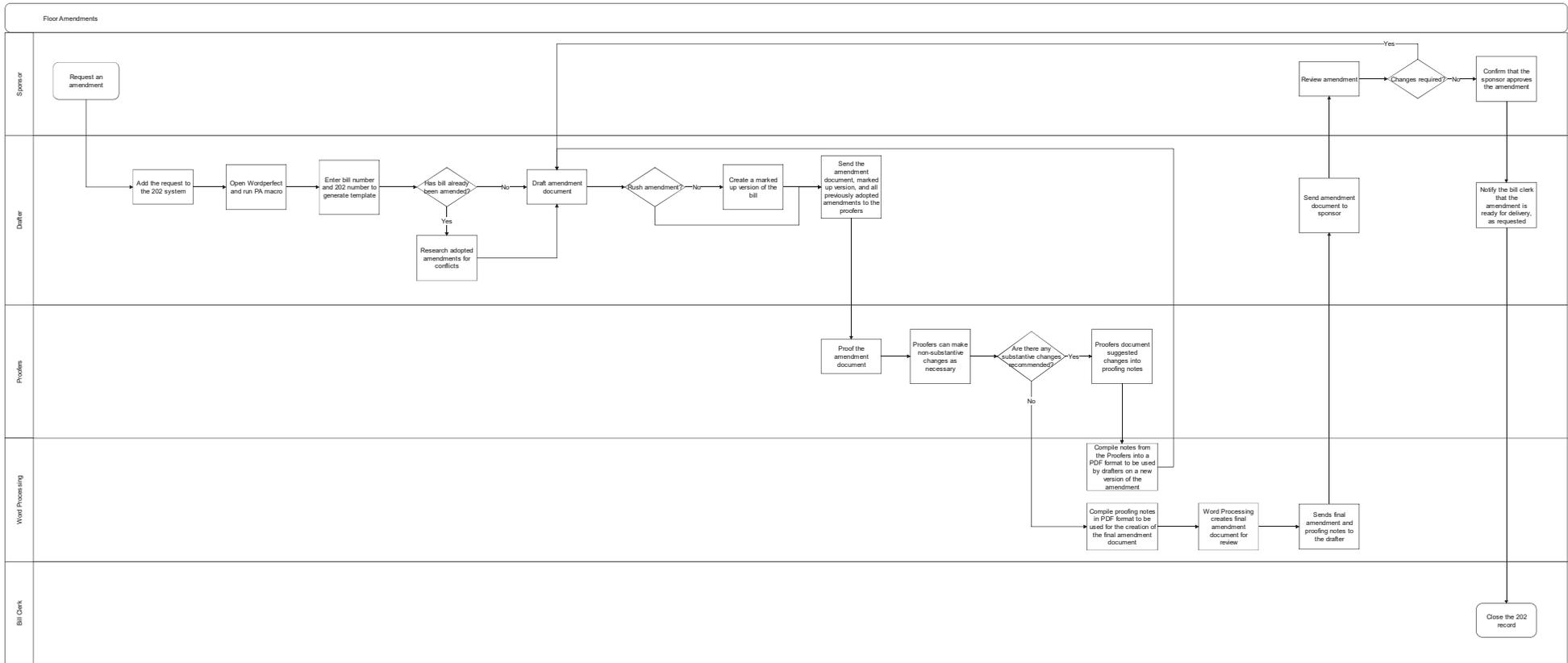


Figure 6 - Floor Amendments

### **1.3.3. Standing Committee Substitutes**

Substitutes are used to incorporate numerous or complex amendments that have been proposed or adopted. Similarly, substitutes are also used to combine two or more bills that deal with similar content. Substitutes take the form of a new bill, as opposed to enumerated amendments for a bill, and, therefore, require approval from both chambers.

To create a substitute to a bill in committee, a legislator or committee makes a request to a drafter who then adds that request into the 202 system where the substitute bill is given a 202 number. The drafter reviews the request and marks up the previous version of the bill with comments, and then undergoes the same process of drafting that is performed for bills. On occasion, the committee substitute will differ enough from the previous version of the bill that the drafter will draft the committee substitute in the same manner that a new bill is drafted. This includes working closely with the proofing team to perfect the draft of the substitute, having the word processing team process any required documents, and finally return a copy to the committee that made the request.

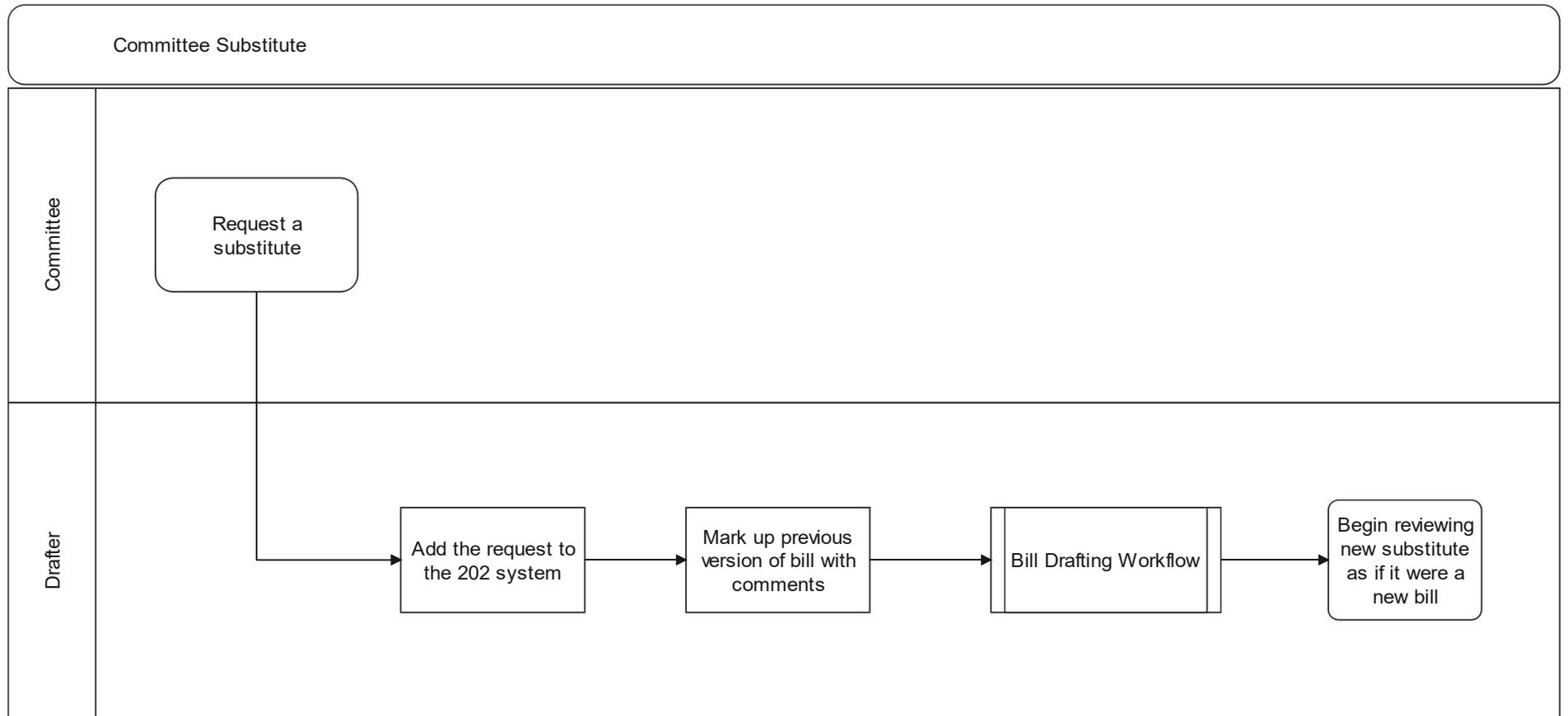


Figure 7 - Committee Substitute

#### **1.3.4. Floor Substitutes**

Similar to committee substitutes, either chamber may create a new substitute of a bill on the floor. These floor substitutes follow a nearly identical process for creation as committee substitutes, where the legislator requests a substitute from a drafter. It also follows the same drafting, proofing, and review processes as a committee substitute. Once the floor substitute has been prepared, it is sent to the requester.

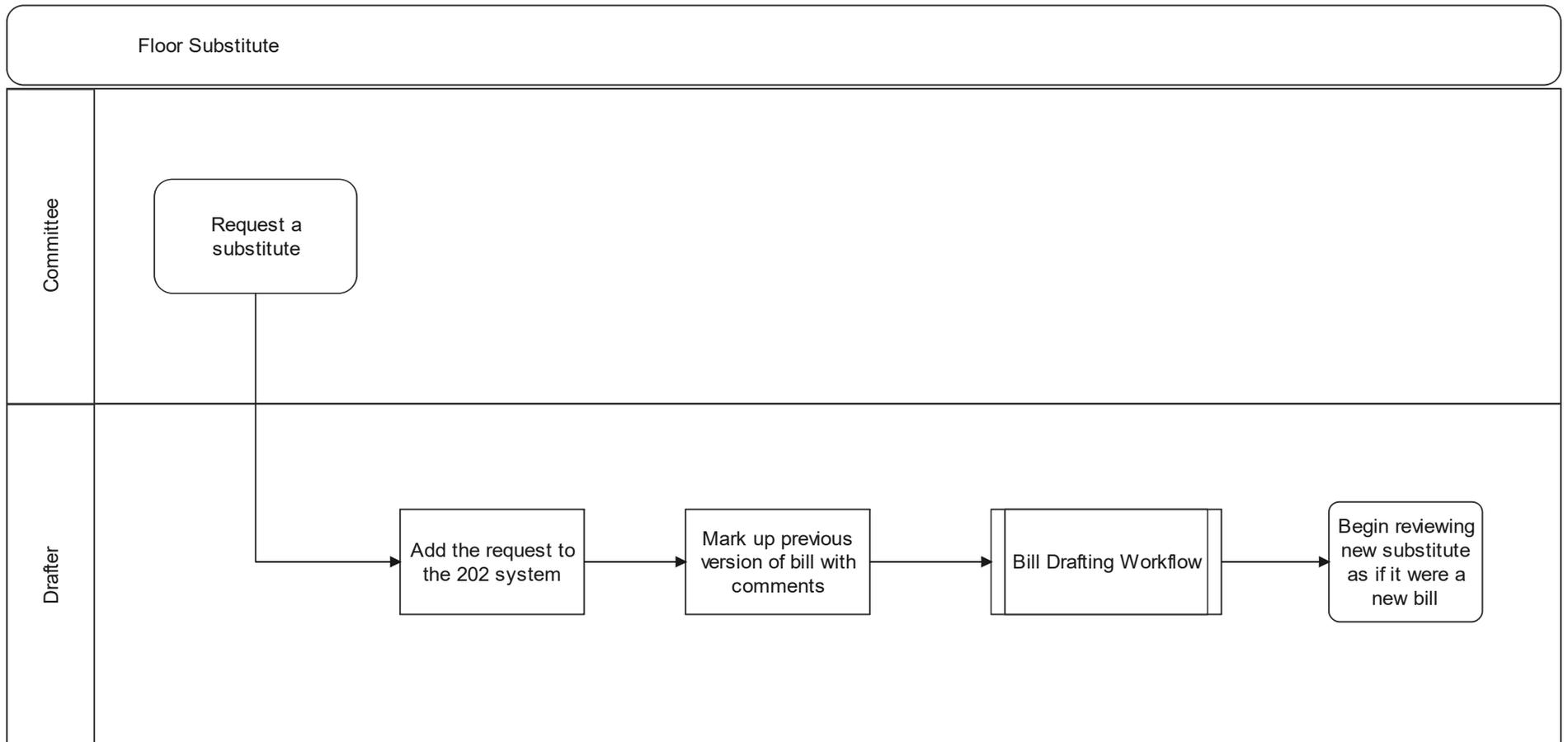


Figure 8 - Floor Substitute

### 1.3.5. Enrolling and Engrossing

After any bill or other legislation that has passed in full, whether passing as introduced, amended or substituted, it must be compiled into a final version before it may be made into law. The process of compiling these amendments is called “Engrossing” and is performed by the Enrolling and Engrossing (E&E) team. To begin, the E&E team receives a jacketed bill of legislation that has passed in full.

Upon receiving the original bill and amendments or substitute, the E&E team reviews it to make sure that all required signatures are present, and then they create a working copy of the bill for them to keep and use internally. Through the use of WordPerfect, they copy and paste all amendments into the bill, starting with the most recent amendment that was passed in order to avoid conflicts. After the bill has the correct content, the E&E Macro within WordPerfect is run to:

1. Remove the title, add new material, delete stricken language and create footer with bill and page number
2. Format a final page
3. Create a cover page
4. Add a signature page
5. Create a Certificate of Correction, if necessary
6. Prepare an E&E Committee Report
7. Create messages to Senate, Governor and Secretary of State

In the House, the legislation undergoes a proofing process where teams read the bill side by side comparing the Amendment in Context version with the E&E format. If any corrections or suggested changes are made by the proofing team, the E&E clerk will review them and make the corrections. If it is determined that corrections must be made, a certificate of correction is prepared. Once no further corrections are needed, the final version of the bill is printed to include the cover and signature page along with the Enrolling and Engrossing Committee Report.

All Senate E&Es are proofread by at least two sets of Senate proofreaders to ensure all amendments have been incorporated and formatting is correct in accordance with LCS drafting procedures. Proofreaders cannot make “suggested changes”. Substantive changes cannot be made; misspelled words may be corrected. If it is determined that corrections must be made, a certificate of correction is prepared.

The committee report is forwarded along with the final version of the bill to receive chamber signatures, and then 9 additional copies are printed. Following the printing, all copies are sent to the Governor’s Office, where the copies are timestamped to mark when they were received, and the Governor signs or vetoes the bill. If signed or partially vetoed, the bill is delivered to the Secretary of State and a copy to the respective Chief Clerk on behalf of their chamber. If completely vetoed, the bill is returned to the Chief Clerk on behalf of their chamber.

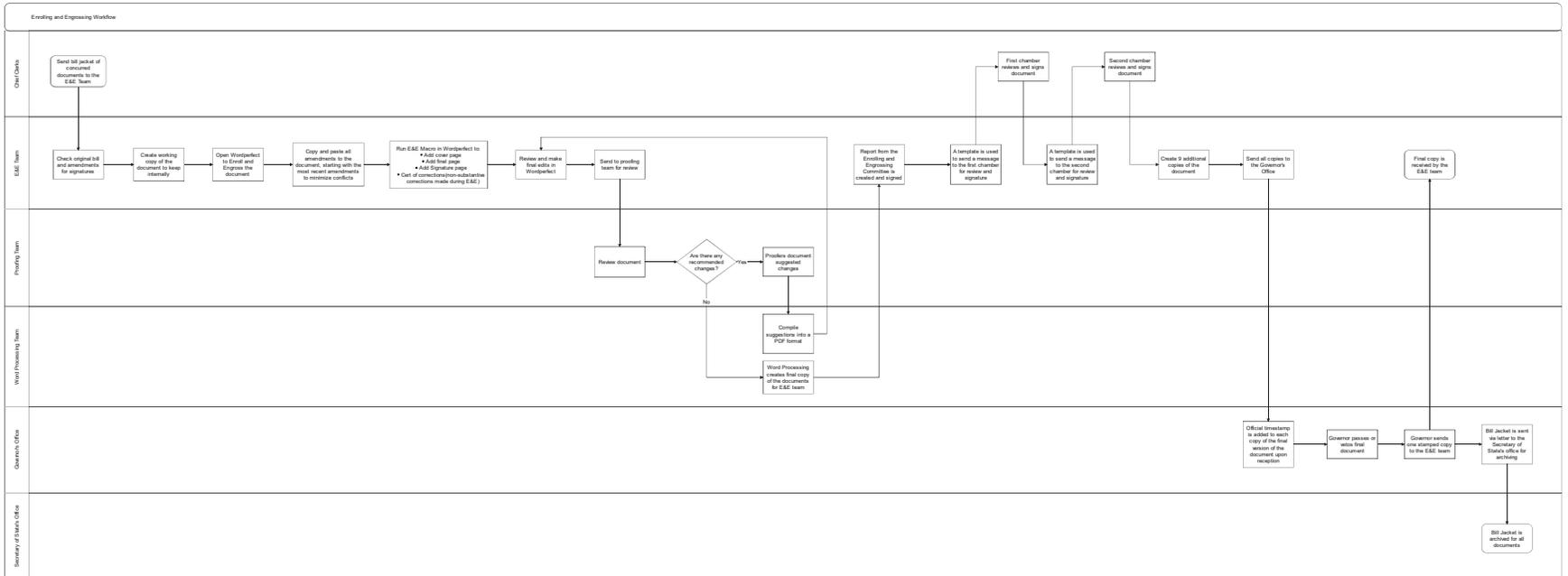


Figure 9 - Enrolling & Engraving

## **1.4. Committee**

For a bill to reach committee for review, it first must be read twice by title in session and assigned to the relevant committee. At this point, the bill can be scheduled, heard and passed to each assigned committee.

During regular sessions of even numbered years and special sessions all bills must first be ruled germane before they can be heard in any other committees or as an order of business. In the House, if a bill needs to be ruled germane, the first committee that it is assigned to is the “Rules and Order of Business Committee”, and in the Senate, it is the “Committees’ Committee”. If the committee rules the bill germane, then it is referred to its next assigned committee. On occasion, in the House, the speaker may also decide on germaneness.

### **1.4.1. Committee Agenda**

To create the Committee Agenda, the committee secretary selects all bills that they wish to hear on a given day using the Committee Module. During the committee meeting, manual notes are taken to record actions and votes of the members present, as well as if there are any amendments made to any of the bills that were discussed. If the bill is amended or substituted in committee, a new Fiscal Impact Report (FIR) is created to identify if the changes to the bill had an effect on the financial implications of the change to the document.

### **1.4.2. Standing Committee Reports**

After hearing a bill in committee, a report is generated by the committee staff that details the recommendation of the committee as well the final vote recorded. Committee staff may request a WordPerfect copy of a proposed amendment to be incorporated into a committee report from LCS word processing, to avoid the need to retype the provisions of the amendment language. From here, the committee report is proofed by staff, finalized, signed by the committee chair and delivered to the chief clerk for preparation for adoption during session.

The bill is then passed along to the next committee assignment. If there are no longer any remaining committee assignments it is placed on the next calendar for 3rd reading and final passage.

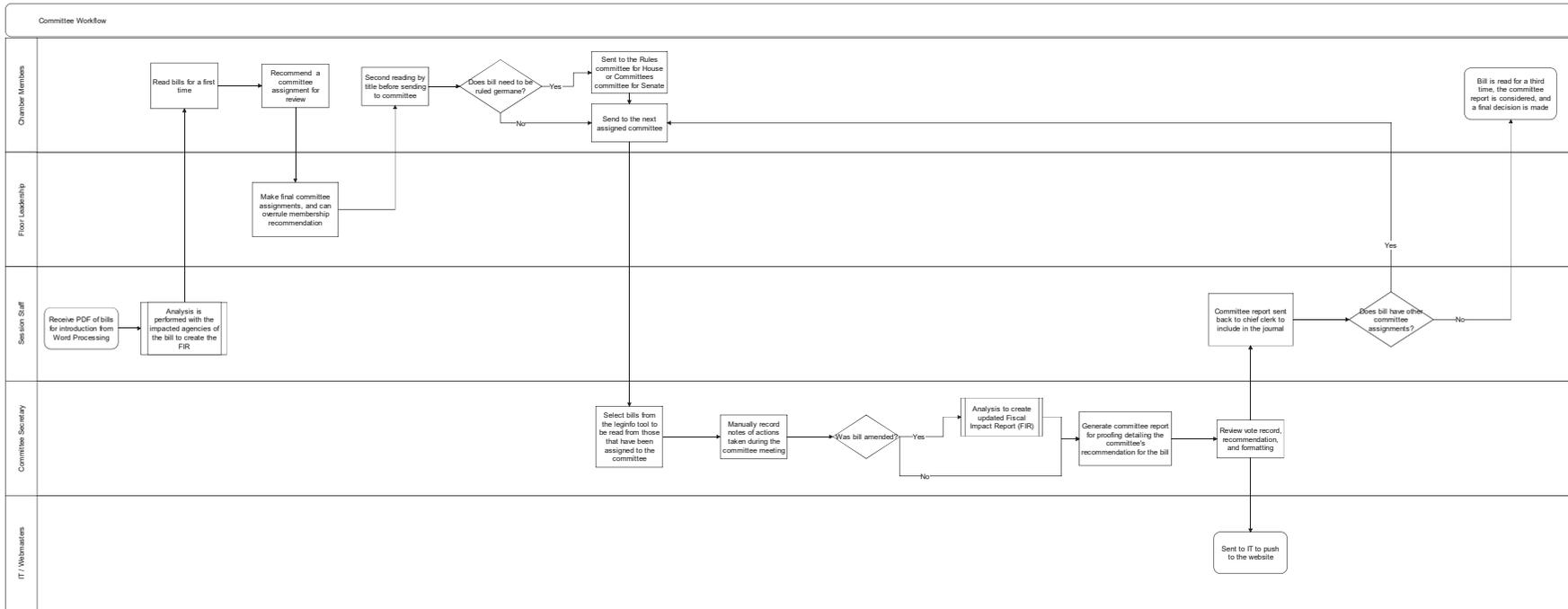


Figure 10 - Committee Workflow

## 1.5. Session

During session, the chambers meet to discuss actions on various bills, memorials, and resolutions. A bill is considered read the First and Second time at introduction, when the reader starts with "Senate Bill No. \_\_\_ introduced by (reads the name(s) of sponsors); reads the title of the bill and repeats Senate Bill No. \_\_\_\_ ." The presiding officer announces: "Senate Bill No. \_\_ , having been read twice by title is ordered printed and referred to the \_\_\_ committee, thence to the \_\_\_ committee." After all relevant committees have discussed a bill and sent their committee report back to chamber, the bill is on third reading before a final vote on the floor.

### 1.5.1. Journal Creation

During each session, Journal clerks manually record notes on all activity that occurs. These notes are compared against those of other Journal clerks to ensure accuracy and are then used within the Journal module to begin creating the official Journal. This Journal documents all actions that take place as "records", and then is used to create a WordPerfect file. The proofing team of the respective chief clerk receives this file and reviews it to identify if there are any suggested changes. Similar to other documents that the proofing team reviews, if there are any suggested updates to be made, the Journal clerk marks them up for the individual who originally drafted the document. If there are no suggested updates to be made, then the Journal clerk team creates a final copy of the Journal for the chief clerk to review.

The Journal is ideally correct at this point in the process, so if there are any small changes that the chief clerk would like to see made, they are added manually without the need to enter a new proofing cycle. The Journal clerk receives an index file, which typically does not have all the required page numbers for bill actions, and must manually update the index with the correct page numbers. Upon completion, the final copy is prepared for signature of chamber officers. The Journal is then sent to the library for publishing.

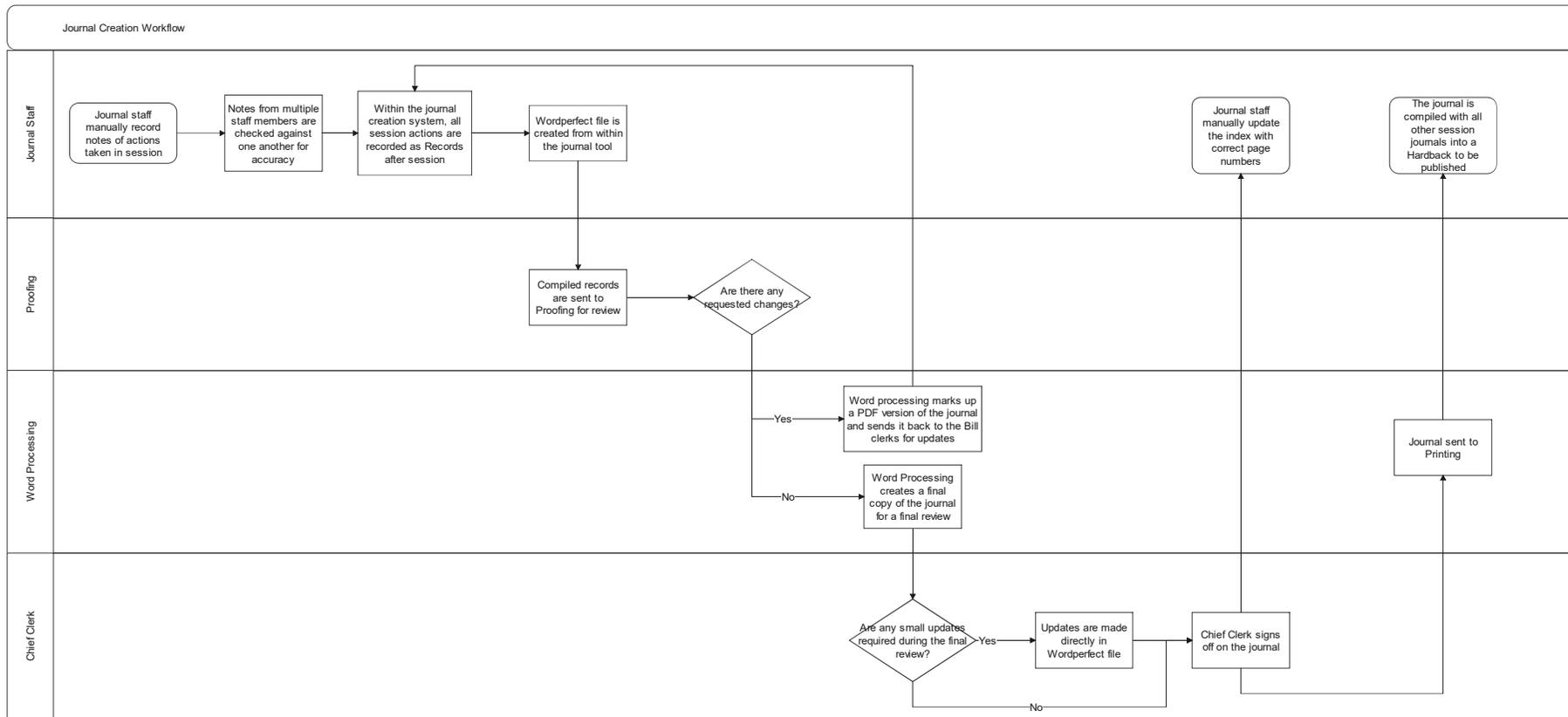


Figure 11 - Journal Creation Workflow

### **1.5.2. Floor Reports**

On a session day where a bill, resolution, or memorial has been read, session staff record the actions that are taken on those documents. Using the LegInfo database, which houses all electronic information related to these documents, various reports may be run by the deputy chief clerk in the House. These include the “Floor Report”, which returns a list all documents that were heard on a specified calendar day, and the “LegInfo Report”, which returns all documents that have been read on a specified legislative day. Using these reports, the contents of the Journal are verified to ensure that they are accurate.

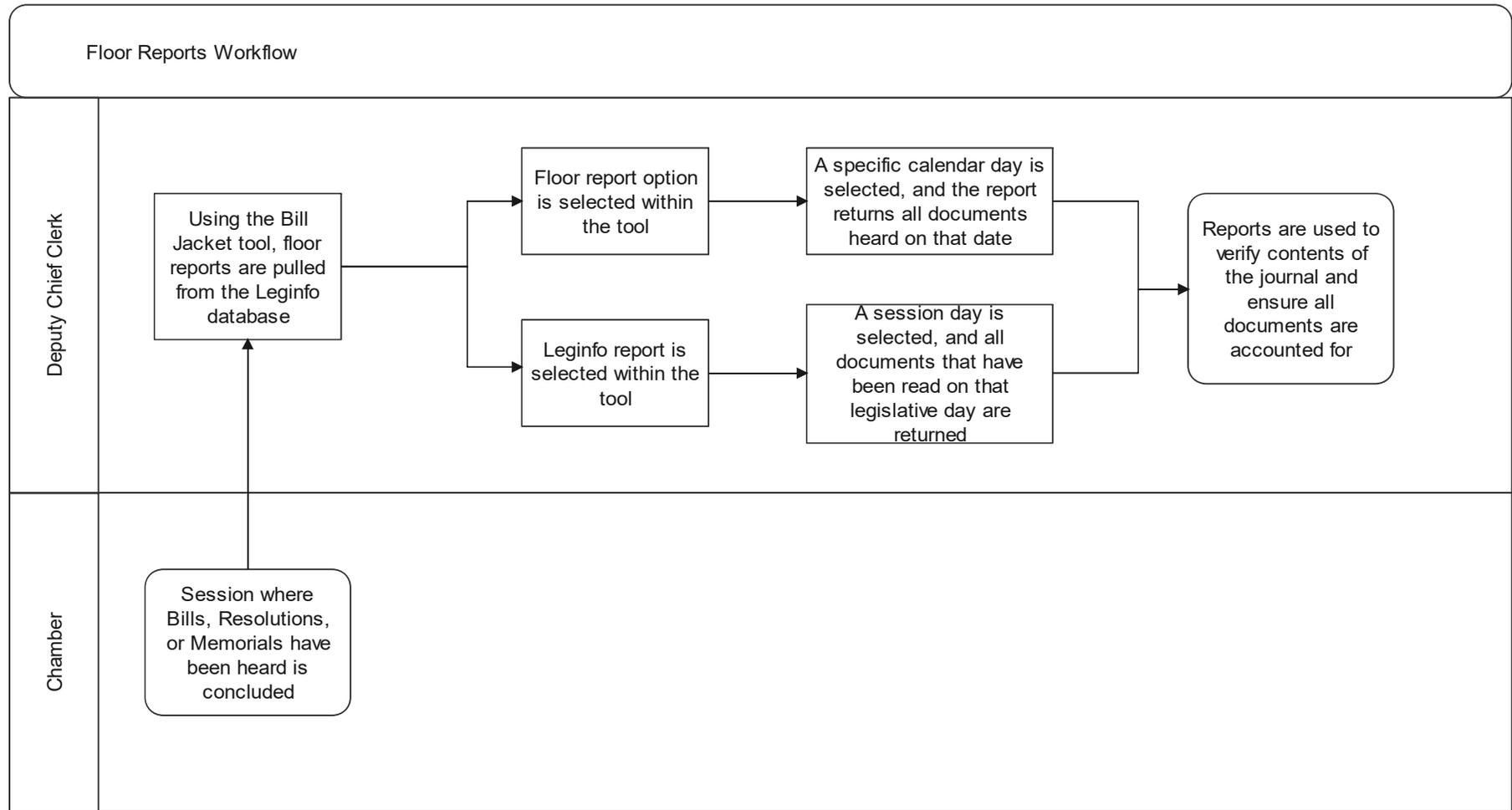


Figure 12 - Floor Reports

### **1.5.3. Messages**

Whenever chambers need to officially communicate with another, they do so through official messages. Messages are printed and can be used to transfer bills, send notifications, or request information between groups.

Upon receiving a request to draft a message, session staff gather all required information. Users within the Senate use WordPerfect macros to pre-populate the body of various messages, and the House users typically rely on saved templates that are copied and pasted to create the body of the message. Once the content is finalized with all the relevant information, the chief clerk receives and signs the message before sending it on to its desired recipient.

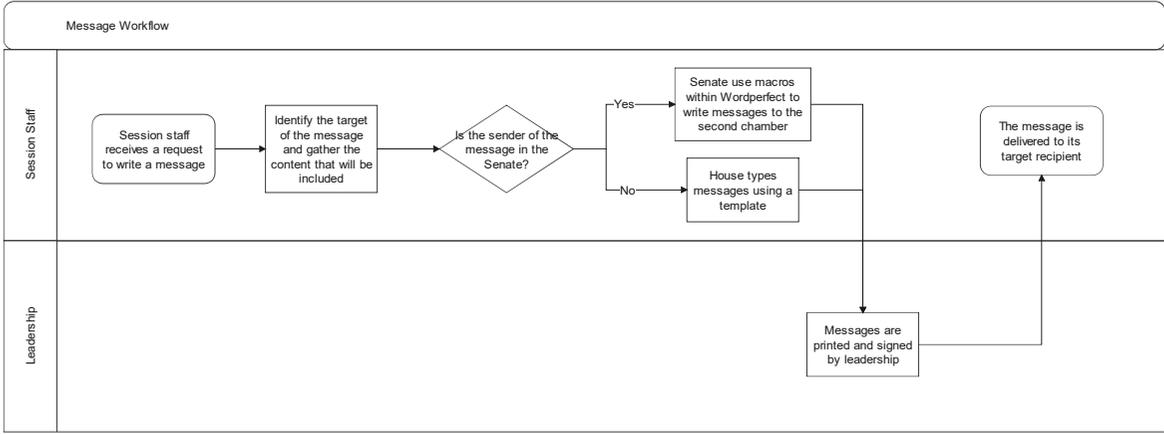


Figure 13 - Messages

#### **1.5.4. Calendars**

In order to plan which bills will be heard in session, organize them into a list format, and share them with interested parties, the Session Calendar is created, which includes multiple sub-sections. To begin the process of assembling the calendar, the chief clerk reviews all bills, memorials, and resolutions that have been read a first and second time in chamber and have passed through committee and determines which section of the calendar they should be assigned to for them to be read a third time.

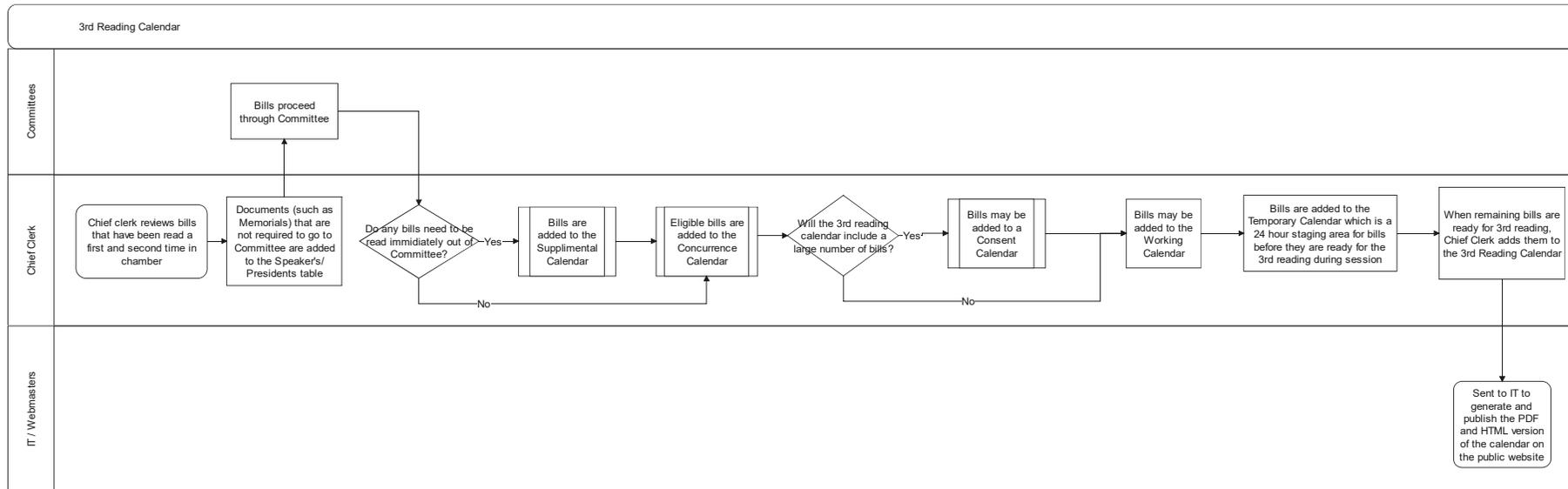


Figure 14 - 3rd Reading Calendar

Using the calendar tools located within the Daily Bill Locator, an electronic version of the calendar is built, including as many of the following sections as necessary to address all upcoming documents:

#### **1.5.4.1. Speaker's/President's Table**

For documents that do not need to be sent to committee, such as memorials, the Speaker's/President's Table is used to signify that these are automatically read for third reading in chamber.

#### **1.5.4.2. Supplemental Calendar**

Typically, there is a 24-hour holding period (recorded in the "Temporary Calendar" for House only) for all bills that have been read in committee before they will be heard in chamber. However, if there are any situations where the leadership determines a bill needs to be read immediately following its review in committee, it is added to the Supplemental Calendar.

#### **1.5.4.3. Concurrence Calendar**

All documents that have been approved, but amended in the opposite chamber, are added to the Concurrence Calendar of the chamber of origin. This reading will determine if there is concurrence between the two chambers or if there are any changes suggested instead of approving the document as-is. If amendments are not concurred, and the chamber of origin does not recede or withdraw their amendment, then the bill will be sent to conference committee.

#### **1.5.4.4. Consent Calendar**

On busy session days where a large number of bills will be read in chamber, leadership has the ability to pick legislation which seems the most likely to pass in chamber. These are compiled into the Consent Calendar and are voted on as a group in order to speed up the process. The Consent Calendar is used frequently in the House.

In the Senate, a member of each caucus is assigned to review the bills ready for third reading and determine which, if any, can be placed on a consent calendar. Alternatively, a list is given to the Senate Chief Clerk by the Majority Floor Leader's Office of bills taken from the regular calendar to be heard as a consent calendar. Consent calendars are not as frequent in the Senate and have not been used since 2019.

#### **1.5.4.5. Working Calendar**

Typically used by the Senate, the "Working Calendar" is a tool that is used as a staging area to draft the order of legislation that will be heard for third reading in chamber. After adding bills to this calendar, they can be easily transferred within the Calendar tool over to the third reading section when they are ready to be heard in chamber.

#### **1.5.4.6. Temporary Calendar (House Only)**

After a bill goes through the committee process, it typically enters a 24-hour holding period before it can be heard in session for third reading. The bills that are within this holding period are added to the Temporary Calendar in the House until the next session day.

#### **1.5.4.7. 3rd Reading Calendar**

All remaining bills that are ready for third reading are added to the 3rd Reading Calendar to be heard in session.

Once the calendar has been created and is ready to be shared with legislators and the public, the document is delivered electronically to the IT team for them to publish the PDF and HTML version of the calendar onto the public website.

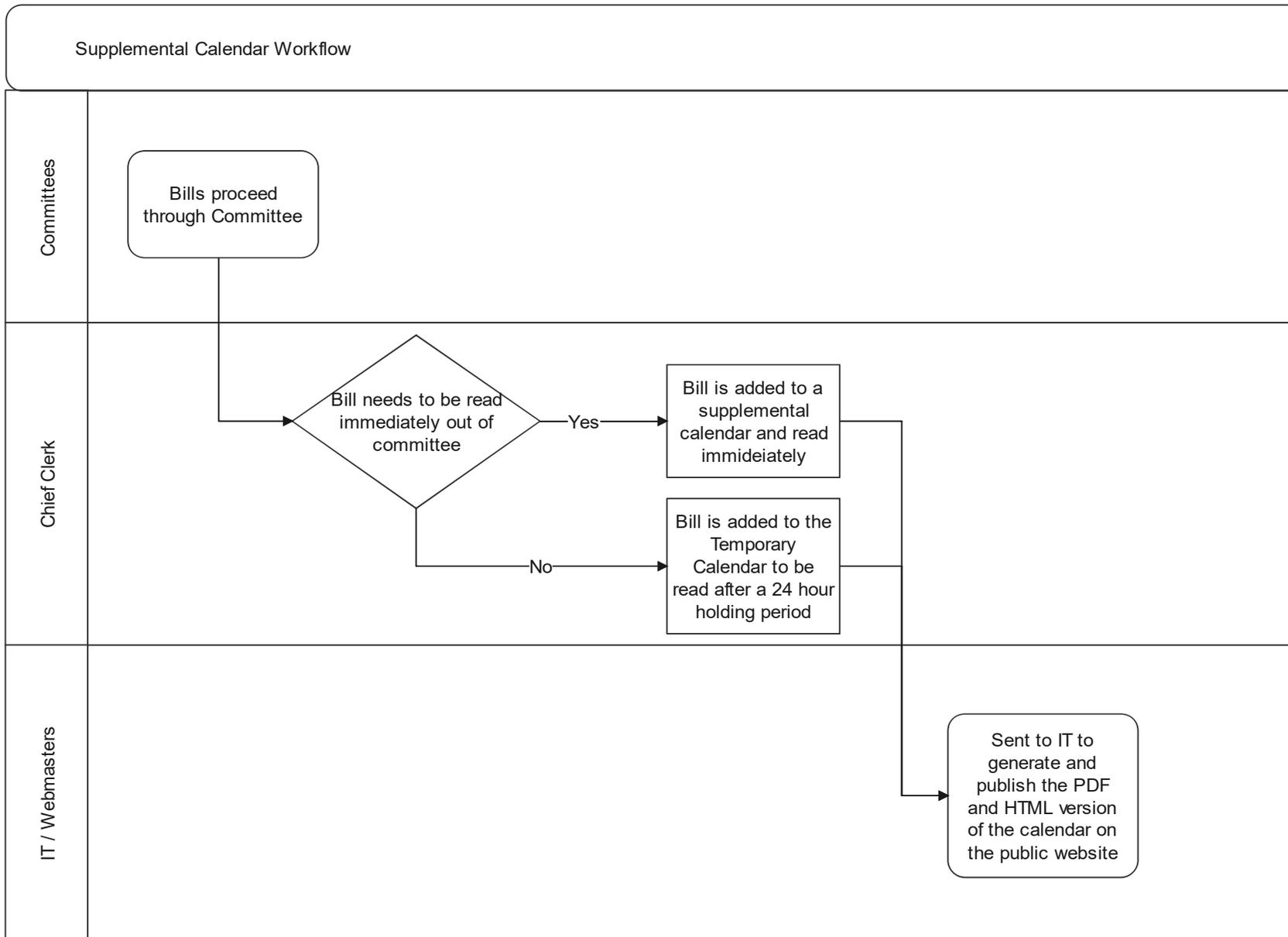


Figure 15 - Supplemental Calendar

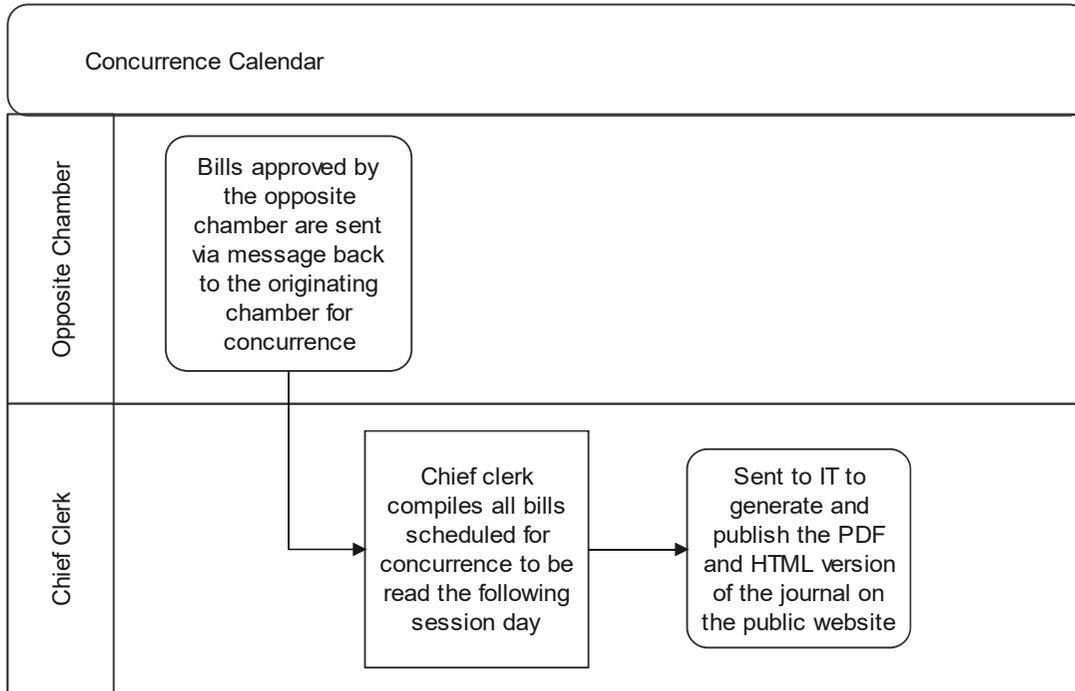


Figure 16 - Concurrence Calendar

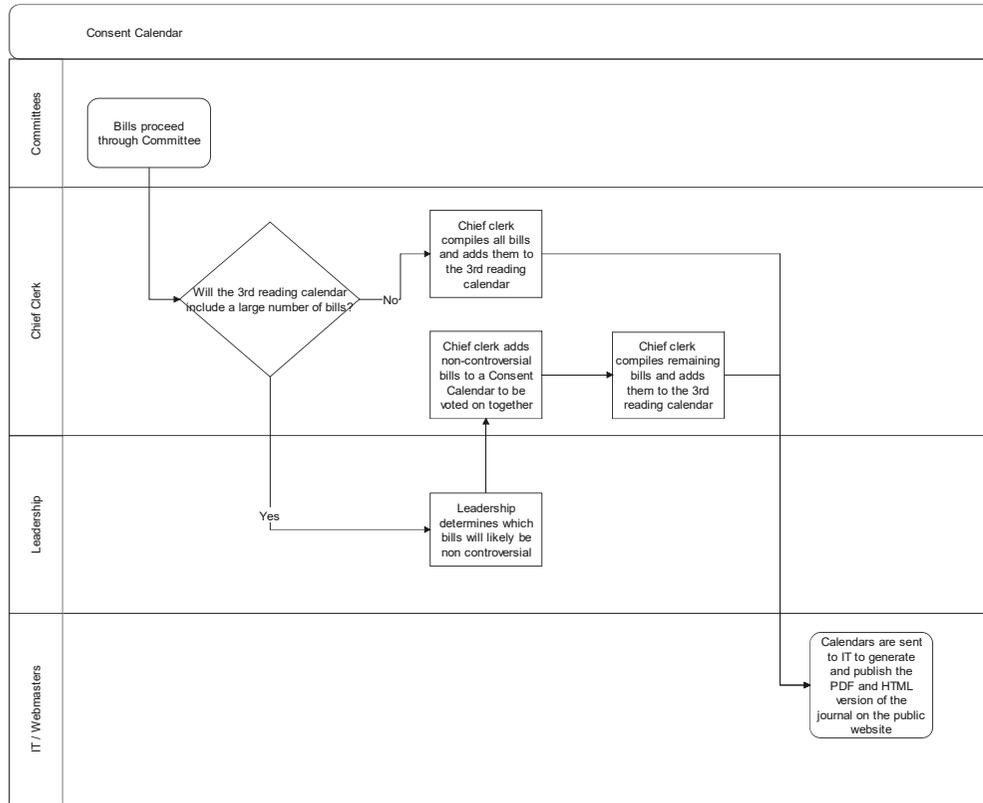


Figure 17 - Consent Calendar

## **1.6. Reports**

While a jacketed bill moves between various groups and remains the official document for any related documents, all information regarding the bill is also updated by staff electronically within the 202 file (such as session, bill number, closed file, etc.) and is entered in the LegInfo database by the Locator Coordinator. This information is used to check the accuracy of written documents, populate the public website, and store data online for anywhere else that it may need to be used. The following reports are ones that are generated using this LegInfo database information.

### **1.6.1. Bill Finder Webpage**

Bill Finder is accessible to the public through the New Mexico Legislature website and contains various reports filled with information related to the current status of all bills. To populate this page online, the IT team manually imports the information from the LegInfo database to move it into the correct location to be seen by the public. This tool is also useful as a quick reference for staff that have questions regarding bills, memorials, and resolutions.

### **1.6.2. Daily Bill Locator**

The Daily Bill Locator report is run from the LegInfo database and includes all legislation sorted by Locator Title. The process of creating this report for users is to open the database and then select the button to generate the “Daily Bill Finder” and choose “Export PDF” to create a copy of the report in PDF format. Since these reports are compiled into a longer version to include the entire session, if this is not the first time that the report has been run, then the user will also manually delete the title page (for the semi-final and final locator) and add the content to the other reports before sending this on to the print shop for printing. Leginfo auto-generates the title page almost all other days, which includes the day's date. LegInfo allows for manipulation of legislative days on each locator cover.

### **1.6.3. Subject Matter Index**

As a bill moves through its lifecycle, bill historians work to identify any relevant subjects related to the content of the bill. These subjects are added in the form of “subject tags” as session progresses and are used to quickly sort and filter the content of all bills that are read throughout a session. These are compiled together manually into the Subject Index, which can take multiple months to complete each session.

### **1.6.4. Sponsor Index**

Within the LegInfo database, the Sponsor Report is run to create a PDF document that tracks all primary and co-sponsors for any bill, memorial, or resolution. Using the information in this file for proofing purposes, the IT team updates the website to make the data open to the public.

### **1.6.5. Concordance**

When a significant number of bills have been signed by the Governor, the bill historians begin the task of creating the Concordance document that is comprised of multiple parts to summarize all bill activity during the year. The Concordance displays all passed bills to their corresponding chapter, and all chapters to their corresponding bills. It also contains constitutional amendments that have passed and all vetoed bills for a given session.

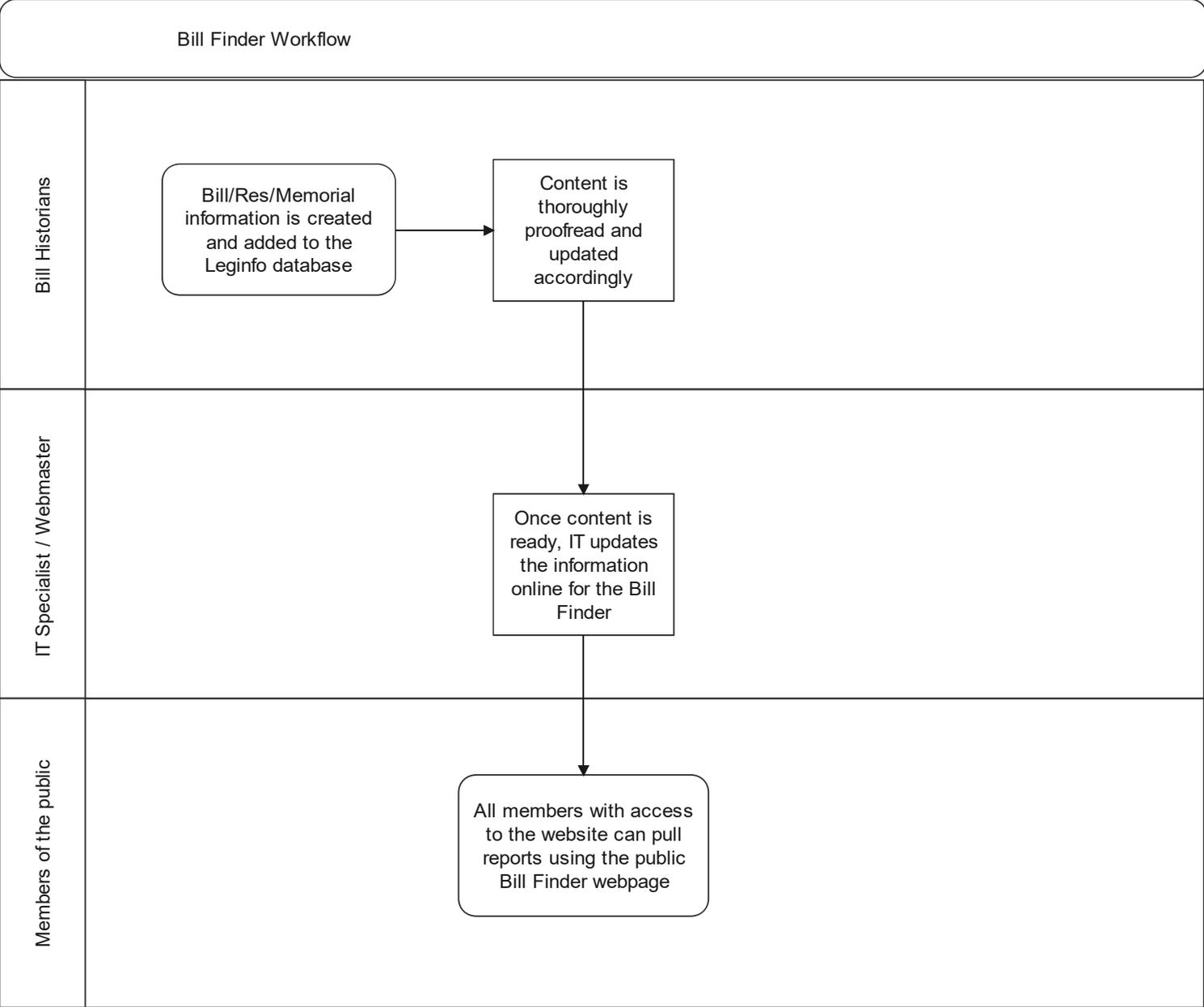


Figure 18 - Bill Finder

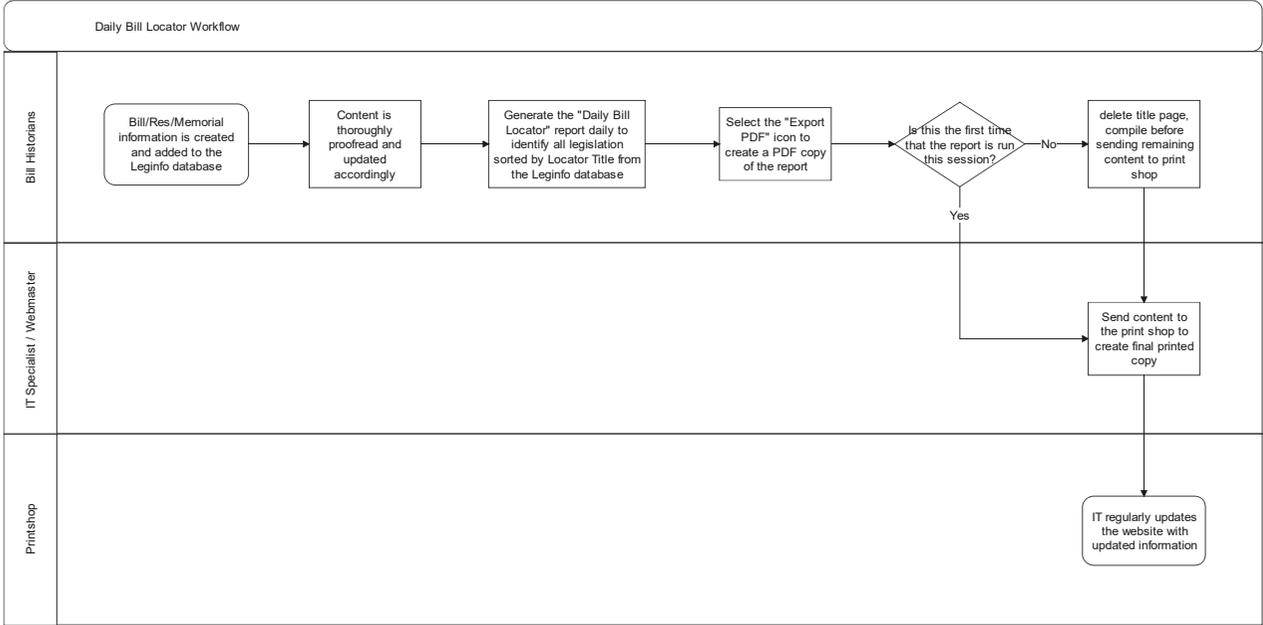


Figure 19 - Daily Bill Locator

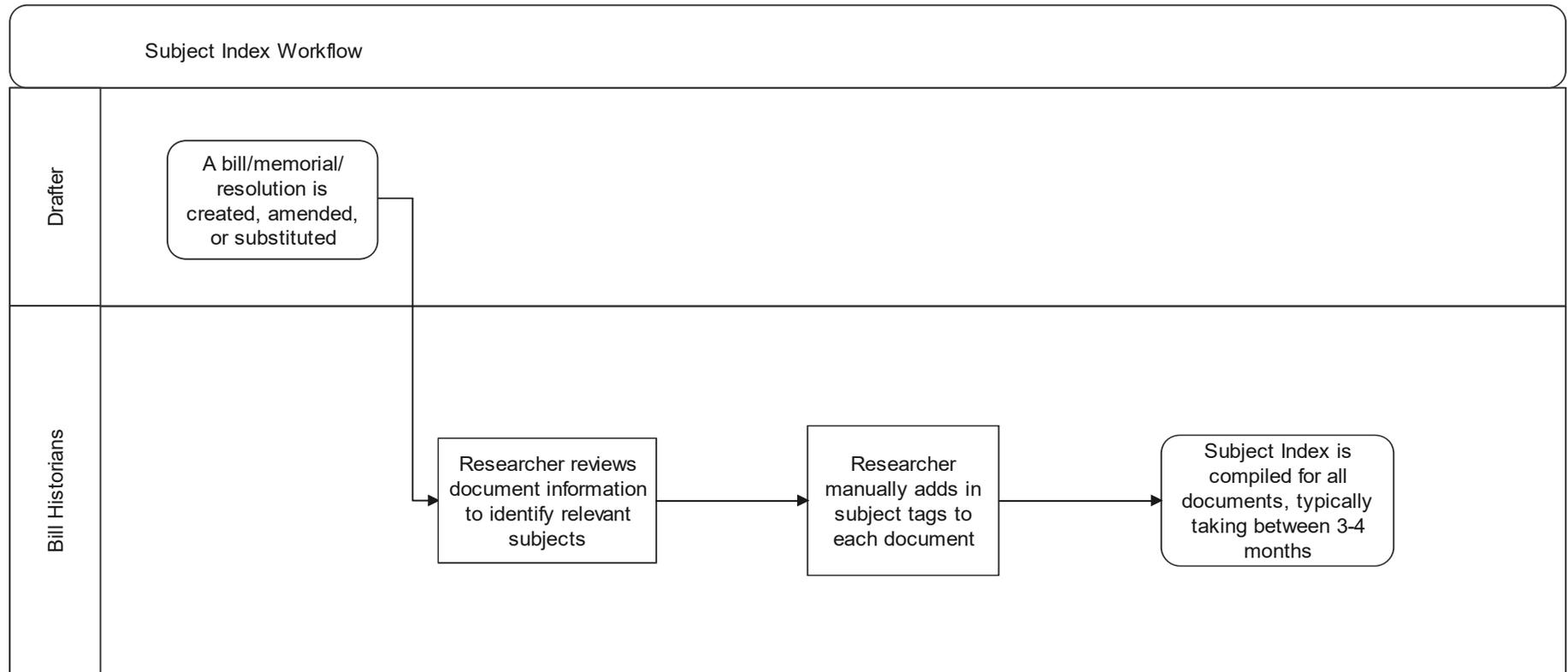


Figure 20 - Subject Index

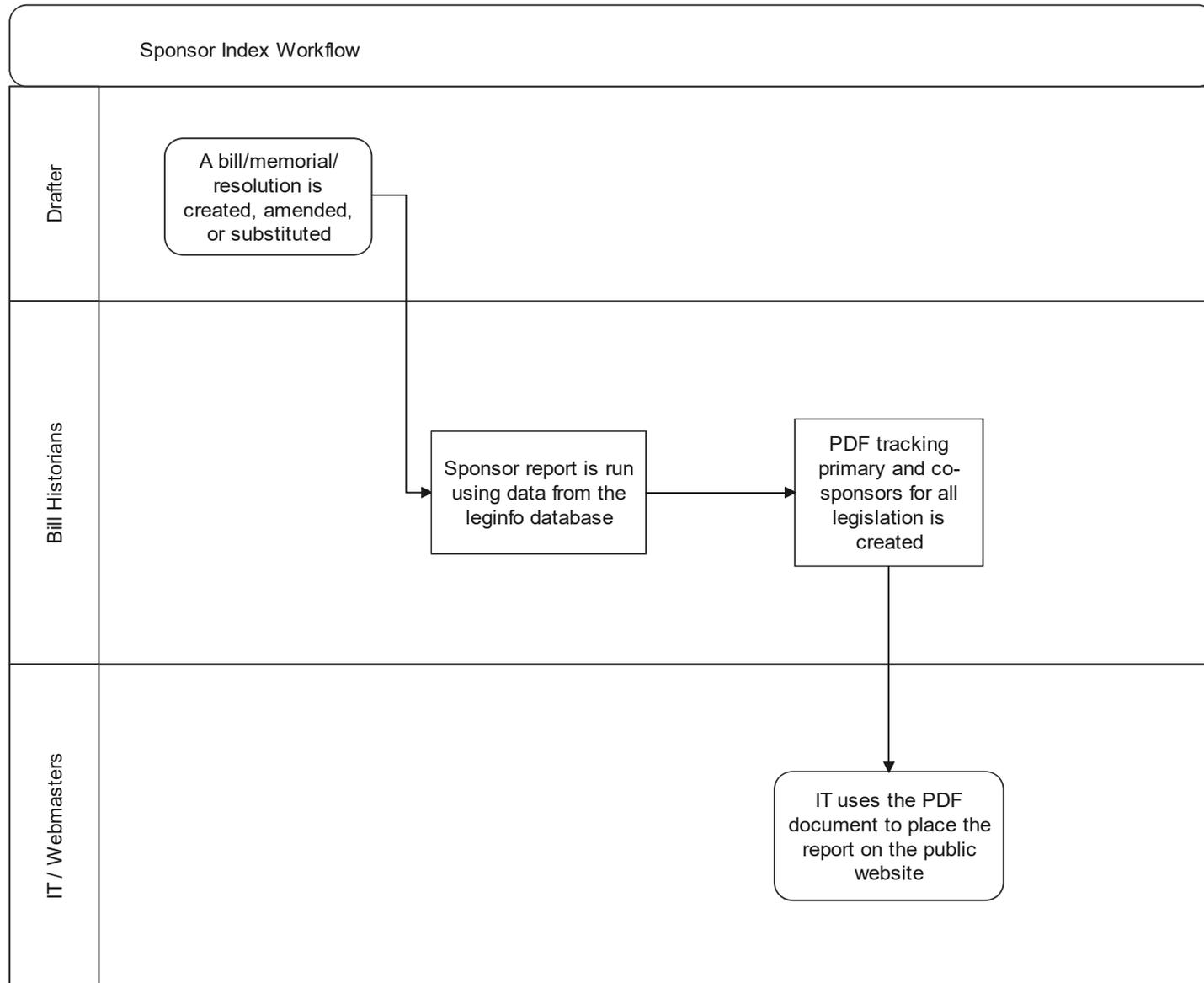


Figure 21 - Sponsor Index

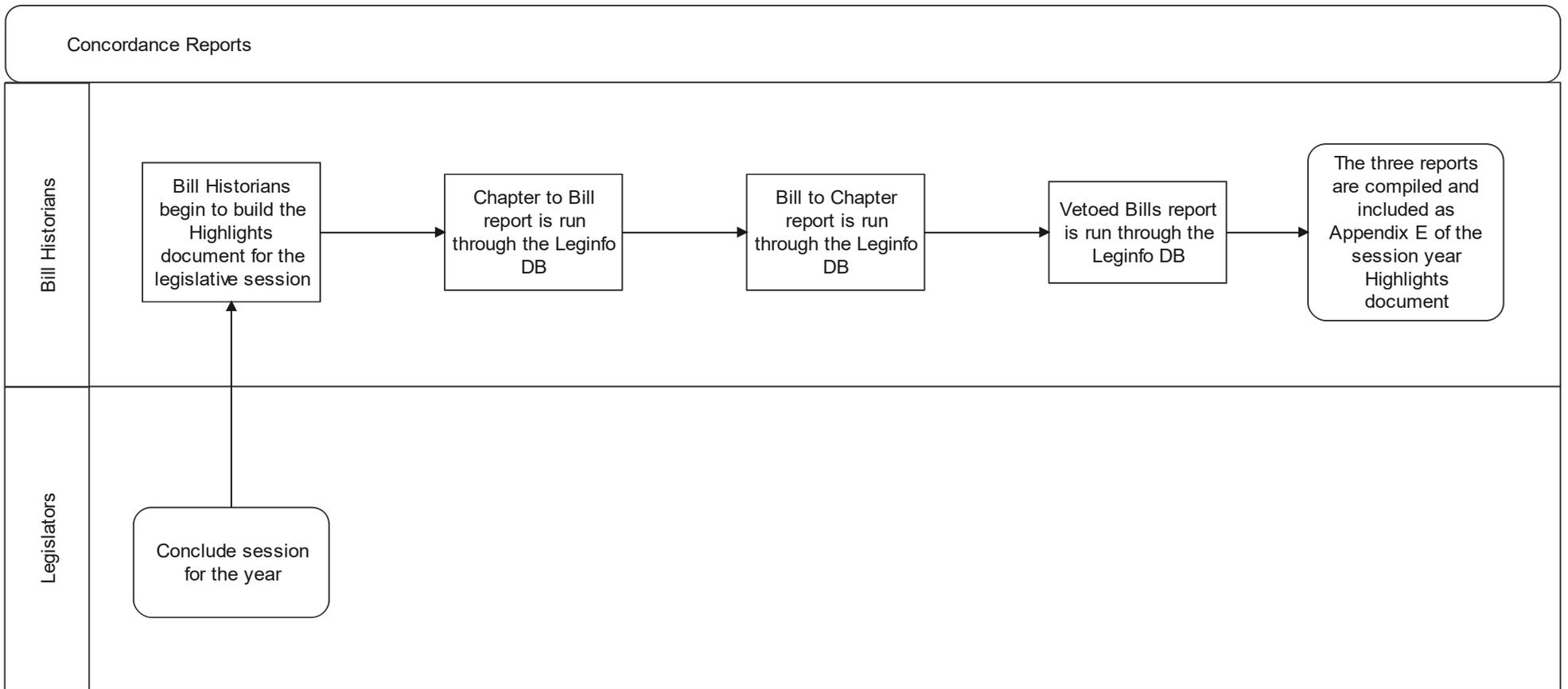


Figure 22 - Concordance

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