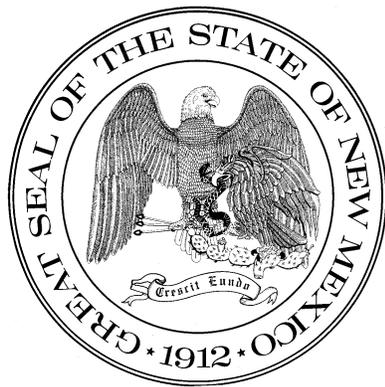


**NEW MEXICO STATE
LEGISLATURE**

**LEGISLATIVE STRUCTURE AND
PROCESS STUDY TASK FORCE**

FINAL REPORT



December 10, 2007

New Mexico Legislative Council Service
411 State Capitol
Santa Fe, New Mexico

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House and Senate rules prohibiting committees from advancing legislation "without recommendation", expanding co-sponsorship opportunities and limiting the amount of legislation that may be introduced

INTRODUCTION

The New Mexico Legislative Council created the Legislative Structure and Process Study Task Force to develop recommendations to help the legislature conduct its work and perform its duties more effectively. This report summarizes the task force's deliberations and contains its recommendations.

The task force appreciates the legislature's willingness for introspection and its desire to improve a process that has evolved and served this country and state well for hundreds of years. Under our system of government, the legislative, executive and judicial branches can only be truly coequal if each performs as effectively as possible. The task force believes the legislative branch in New Mexico can more effectively perform its important policymaking and oversight duties, and it recommends the implementation of a number of reforms to help the legislature do that.

The New Mexico legislative process has changed dramatically over the last several decades, so much so that an active participant of the 1980s might not recognize parts of it today. Some changes have been both deliberate and undeniably beneficial — such as the changes to the capital outlay process — while others seem to be the result of nothing more than the gradual, unplanned evolution of the legislative process and have diminished the legislature's effectiveness.

Some of the changes are tangible and can be measured, such as the increase in the number of bills, resolutions and memorials introduced and considered each year, and the increase in the number and the membership size of committees that meet between legislative sessions. Others are not as easily measured, such as the sense that interim committee work is less relevant to session work than it was years ago. A related change, and one that tends to erode public

confidence, is that the process has become more difficult to navigate for the uninitiated. It is increasingly common for committee meetings to vary widely from the published schedule, leaving constituents waiting for a postponed meeting. The public and legislators alike increasingly complain that hurried decisions on legislation are made without fully comprehending the policy changes, which may increase the likelihood of making mistakes or a loss of transparency in the legislative process.

The cumulative effect of these and other changes is that the legislature is not as effective as it could be in deliberating the key issues of the day, in making policy based on those deliberations and in overseeing the affairs of government.

The task force is aware of the competing demands, stresses and strains on the legislative process, some of which tend to foster, and others that tend to hinder, the legislature's effectiveness. The task force's recommendations seek to preserve the essential and defining characteristic of New Mexico's part-time, citizen legislature — in which members are drawn from a variety of backgrounds for limited periods of time to set the state's policy — while reforming those parts of the structure and process that hinder the legislature's ability to deliberate effectively and set state policy.

Implementation of the task force's recommendations range from amending the constitution, statutes and the legislature's rules to working to change the "legislative culture". The task force recognizes that none of these recommendations is necessarily easier to implement than any other. Beyond the problems of implementation, some people will disagree with the substance of some of the recommendations. The task force urges the legislature, the governor and the public to consider each one seriously and favorably.

METHODOLOGY

The task force sought and reached consensus throughout its deliberations and in making its recommendations. Little, if any, of the debate and deliberation among the task force fell along partisan lines.

The task force spent much of the first year of its operation gathering history, background and information about the current state of affairs in the New Mexico Legislature and in other states. Legislators, former legislators, legislative staff, executive branch staff, lobbyists and other observers of the legislative process were surveyed on their views of the challenges facing the legislature and were solicited for ideas that could improve the legislature's effectiveness. The National Conference of State Legislatures, which conducted the survey and compiled and presented the results, also provided expert assistance in how other state legislatures address issues facing New Mexico's legislature. The task force also benefited from the efforts and recommendations of previous study groups, including the Constitutional Revision Commission of 1995, the Committee Process Study Subcommittee of 2002 and the New Mexico First Town Hall on the Structure of Government in New Mexico of 1994.

Before considering specific recommendations, the task force participated in a two-day meeting in late 2006 facilitated by New Mexico First, in which challenges were identified and specific reforms were offered. More than three dozen reforms were identified for further review during this brainstorming session.

During its second year, the task force delved into the challenges and reforms it identified during its first year by dividing the issues and potential reforms into seven areas: session

workload, session time management, interim structure, legislative-executive relations, member relations, public information and constituent relations.

TASK FORCE GOAL

The goal driving the task force's discussions was to help the legislature become more deliberative, effective and accessible to the public. The task force believes that each recommendation helps achieve that goal. The task force specifically did not adopt the notion that the legislature should be more *efficient*, recognizing that while some of the recommended reforms may result in efficiencies, the goal was to increase legislative *effectiveness*.

RECOMMENDATIONS

The task force determined that most of its recommendations dovetail with each other and believes the greatest and most beneficial impact will result if each is viewed as an integral part of a whole and so implemented. However, the task force also recognizes the reality that some recommendations will have more support than others, and it sought to ensure that as many recommendations as possible could be implemented independently. The task force urges the legislature to consider these recommendations at its earliest opportunity and suggests that convening an extraordinary session to do so may allow the legislature to focus more directly on the proposals.

More than 20 distinct proposals are embodied in legislation, the drafts of which are attached to this report, and six more that do not lend themselves to legislation are recommended as policy changes. For ease of discussion, the recommendations are categorized here by those

affecting session workload and schedule, interim structure and relations with the executive and the public, although they are not grouped in that manner in the legislation.

Session Workload and Schedule

The task force heard testimony about the increasing workload during regular sessions, including a 50 percent increase in the amount of legislation introduced since 1999 and a doubling since 2001 of the amount of duplicate or virtually duplicate legislation introduced. The task force believes that this increasingly burdensome workload, combined with New Mexico's limited sessions, hinders the ability of the legislature to deliberate fully and thoughtfully all aspects of the myriad issues before it.

The task force believes that greater deliberation can be fostered by reducing the legislative session workload, while being mindful of each legislator's right and responsibility to advocate on behalf of New Mexicans and to pursue important initiatives. The task force believes this balance can best be achieved by encouraging members to file legislation before the session convenes and limiting the number of bills and memorials introduced once the session starts, making it easier for members of each house to cosponsor legislation with the goal of discouraging the introduction of duplicate legislation, limiting the ability of committees to advance legislation without making a recommendation on the merits of that legislation and prohibiting the introduction of memorials that request state agencies to act.

The task force also recommends revamping the time frame within which the legislature performs its work. The task force heard testimony about the relative brevity of New Mexico's legislative sessions and the benefit of internal deadlines to the legislative process in other states. The task force believes that greater deliberation can be fostered by lengthening legislative

sessions from 30 days to 45 days in even-numbered years and from 60 days to 75 days in odd-numbered years; building in an automatic recess each session during which committees could meet or members could meet with constituents but no floor sessions would be held; shortening the time period within which most legislation must be introduced; establishing a deadline for legislation to pass its house of origin; and limiting the introduction of guests during floor sessions. Additionally, the task force recommends extending from 20 to 30 days the amount of time the governor has to act on legislation following adjournment of a session.

Interim Structure

The task force heard testimony on the growing demands during the interim, including a doubling of the number of interim committees since 1979 and a threefold increase in the number of committees with 10 or more voting members. The task force recognizes the educational value of interim committee work, but believes the increased demands of the interim dilutes the legislature's ability to make policy effectively by spreading the legislature's attention too broadly.

The task force believes the legislature's interim work could be made more valuable, especially to the work of the subsequent legislative session, with a dramatic restructuring. Specifically, the task force recommends that the number of interim committees be limited to no more than 12, including the Legislative Finance Committee and the Legislative Education Study Committee; that the directors of the legislature's three permanent committee staffs — the Legislative Council Service, Legislative Education Study Committee and Legislative Finance Committee — work each interim to propose to the legislative leadership a plan to staff the interim committees jointly in such a way that maximizes the expertise and service provided to each committee; and that the Legislative Council be mindful of the need to make House and

Senate membership on interim committees proportional to each chamber's overall membership. The task force also recommends that the Legislative Council expand its newly adopted policy allowing members to be reimbursed for attending meetings of committees to which they have not been appointed, while sharply limiting the appointment of advisory members to committees by restricting those positions only to members who are also voting members of the council.

The implementation of this recommendation does not require any specific legislation other than the repeal of the statutes creating several interim committees. The task force, therefore, details its recommendations more specifically here. Interim committees should be created every two years based primarily upon the passage of either an omnibus bill or a memorial creating or requesting the creation of the committees. The legislation should include the beginnings of a work plan for each interim committee and provisions regarding a meeting schedule and membership. The Legislative Council should retain the ability to create committees as it believes necessary upon its own motion, but no more than 12 interim committees should be created, exclusive of the Legislative Council, Legislative Committee on Compacts and the Interim Legislative Ethics Committee. This is equal to the number of substantive standing committees in the House of Representatives, and the task force believes that if 12 committees are adequate during the session to deal with the myriad issues presented, that number should be adequate during the interim.

The task force recognizes that it may appear difficult to consolidate more than 20 interim committees into 12. By way of example, it suggests that during the 2007 interim, the same issues addressed by the various interim committees could have been addressed by 11 committees, as shown in the following realignment:

Issues addressed by the...

- Legislative Finance Committee; Investments and Pensions Oversight Committee; and Tobacco Settlement Revenue Oversight Committee
- Revenue Stabilization and Tax Policy Committee
- New Mexico Finance Authority Oversight Committee; Capital Outlay Subcommittee; and Public School Capital Outlay Oversight Task Force
- Economic and Rural Development Committee; and Mortgage Finance Authority Act Oversight Committee
- Legislative Education Study Committee; Funding Formula Study Task Force; and Public School Capital Outlay Oversight Task Force
- Legislative Health and Human Services Committee
- Legislative Health and Human Services Committee; Welfare Reform Oversight Committee; and Mortgage Finance Authority Act Oversight Committee
- Courts, Corrections and Justice Committee; Land Grant Committee; and Ethics Subcommittee

Could have been addressed by the...

- Legislative Finance Committee
- Revenue Stabilization and Tax Policy Committee
- Capital Outlay and Infrastructure Committee
- Business and Economic Development Committee
- Legislative Education Study Committee;
- Legislative Health Committee
- Legislative Human Services Committee
- Courts, Corrections and Justice Committee

- Information Technology and Telecommunications Oversight Committee; and Los Alamos National Laboratory Oversight Committee
- Indian Affairs Committee
- Radioactive and Hazardous Materials Committee; Water and Natural Resources Committee; and Los Alamos National Laboratory Oversight Committee
- Science and Technology Committee
- Indian Affairs Committee
- Environment and Natural Resources Committee

Relations with the Executive and the Public

Much of the legislative process involves the legislature's relationships with the executive branch, individual members' constituents and the general public. The task force believes the effectiveness of the legislature's relationships with each of these could be improved.

The task force studied the legislature's history of overriding vetoes and its oversight role of the executive branch. The task force believes that under the current structure, an imbalance of power exists between the executive and legislative branches. Virtually no vetoes are overridden, even vetoes of bills that passed with little or no opposition, and the partial veto authority of the executive branch too often results in a distortion of legislative intent. For those reasons, the task force recommends instituting veto override sessions after each session, unless a super-majority of either chamber decides against it, during which the legislature would consider those bills vetoed by the governor; and the task force recommends limiting the governor's authority to veto legislation partially to those items of appropriation within legislation. The task force also recommends strengthening the legislature's ability to oversee the executive branch by providing the Legislative Council with subpoena power and by codifying the Legislative Finance Committee's ability to conduct program evaluations and receive confidential material.

Many task force members are personally aware of the difficulty that members of the public encounter when attempting to follow the legislative process, from finding a place to park to knowing how specific proposals are being amended. The legislative branch is the branch of government that is already most accessible to the public, but more should be done to make it even more so.

The task force recommends that the legislature open conference committees to the public and require that conference committee reports be publicly available at least 30 minutes before a vote to adopt a conference committee report is taken. The task force also recommends that the legislature make every effort to ensure that committees start on time, that more public parking be made available close to the

State Capitol and that more information about the legislative process and legislation that is being heard be made available more quickly and more widely through the use of technology.

Finally, common sense dictates that the men and women who make the financial sacrifice and commitment to serve as New Mexico legislators be fairly compensated for their service. The task force recognizes the inherent conflict in allowing legislators to set their own compensation and the benefits that stem from ensuring that legislators have sources of income other than their public service. For these reasons, the task force recommends the creation of a legislative compensation commission to determine no more often than once every 10 years the compensation to be paid to New Mexico legislators. As an alternative, the task force also recommends increasing the per diem paid to legislators when they travel to more expensive, out-of-state cities.

Substantive Task Force Recommendations

Session Workload and Schedule

1. Lengthen 30- and 60-day legislative sessions to 45 and 75 days, respectively.
2. Lengthen the governor's "bill-signing period" from 20 days to 30 days, post-adjournalment.
3. Shorten the bill introduction period by one-third.
4. Prohibit memorials that request state agencies to act.
5. Establish deadlines for legislation to pass in the house of origin.
6. Provide for three- and six-day recesses in short and long sessions, respectively.
7. Prohibit committees from reporting legislation "without recommendation".
8. Expand opportunities for members to cosponsor legislation.
9. Establish a deadline to introduce memorials.
10. Limit the number of bills and memorials introduced.
11. Expand the ability to prefile legislation in the House of Representatives.
12. Give priority to prefiled legislation in the Senate.
13. Discourage the introduction of guests and performances on the floor.
14. Ensure that committee hearings convene as scheduled.

Interim Structure

15. Reconfigure the interim committee structure by limiting the number of interim committees to 12, reducing the number of advisory members appointed to interim committees, coordinating staffing needs among the permanent staffs, respecting the different sizes of the houses and increasing the number of days members may be reimbursed for attending meetings of committees to which they are not appointed.

Relations with the Executive and Public

16. Convene a veto override session after every session unless three-fifths of the members of either house decides against it.
17. Limit partial veto authority to items of appropriation.
18. Create a legislative compensation commission or, alternatively, increase reimbursement rate for out-of-state travel.
19. Codify the Legislative Finance Committee's program evaluation function.
20. Codify the Legislative Finance Committee's ability to receive confidential material.
21. Grant the Legislative Council the authority to issue subpoenas.
22. Open conference committees to the public.
23. Require conference committee reports to be available 30 minutes prior to a vote.
24. Expand new-member orientation to a couple of two-day sessions.
25. Develop a primer for citizen participation in the legislative process.
26. Use technology to make the legislative process more accessible to the public, including more timely and accurate notices of hearings and broad dissemination of legislative proceedings.
27. Provide more public parking near the State Capitol.

LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE

APPENDIX A: AGENDAS AND MINUTES

Revised: July 26, 2006

**TENTATIVE AGENDA
for the
FIRST MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**August 4, 2006
Room 307, State Capitol
Santa Fe, New Mexico**

Friday, August 4

9:00 a.m. **Call to Order**

Charge to Task Force and Discussion of Schedule and Potential Issues

—Co-Chairs Thomas A. Donnelly and Richard E. Olson

Evolution of Legislative Structure and Processes

—Paula Tackett, Director, Legislative Council Service (LCS)

Constitutional Constraints on Legislative Reform

—Raúl E. Burciaga, Assistant Director for Drafting Services, LCS

Consideration of Survey Instrument

—William T. Pound, Executive Director, National Conference of State
Legislatures

Direction to Staff for Subsequent Meetings

Public Comment

Adjourn

**MINUTES
of the
FIRST MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**August 4, 2006
Room 307, State Capitol
Santa Fe**

The first meeting of the Legislative Structure and Process Study Task Force was called to order by Richard E. Olson, co-chair, at 9:20 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Thomas A. Donnelly, Co-Chair
Richard E. Olson, Co-Chair
Rep. Janice E. Arnold-Jones
Rep. Ray Begaye
Max Coll
Linda M. Davis
Charles Dorame
Marie Eaves
F. Chris Garcia
William R. Humphries
Tommy Jewell
Judy K. Jones
Rep. Larry A. Larrañaga
Willard Lewis
Brian McDonald
Sen. Steven P. Neville
Sen. Gerald Ortiz y Pino
Sen. Nancy Rodriguez
Rep. Henry Kiki Saavedra
Rep. Thomas C. Taylor
Anthony Williams
Rep. Peter Wirth

Absent

Sen. Mark Boitano
David McCumber
Sen. Cynthia Nava
Sen. William H. Payne
Murray Ryan

Advisory Members

Rep. Donald E. Bratton
Sen. Stuart Ingle
Rep. Al Park
Kim Seckler

Marilyn O'Leary

Staff

Paula Tackett, Director, Legislative Council Service (LCS)
Pauline Rindone, Director, Legislative Education Study Committee (LESC)
Evan Blackstone, Staff Attorney, LCS
Raúl E. Burciaga, Assistant Director for Drafting Services, LCS
Cathy Fernandez, Deputy Director, Legislative Finance Committee (LFC)
Ric Gaudet, LCS
Frances Maestas, Deputy Director, LESC
John Yaeger, Assistant Director for Legislative Affairs, LCS

Guests

The guest list is in the meeting file.

Introductions and Charge to Task Force

Co-chairs Olson and Donnelly welcomed members to the inaugural meeting of the task force, and then the members introduced themselves. Mr. Olson then described the charge by the New Mexico Legislative Council to the task force, which is to:

- review and evaluate past and present organizational and operational practices of the New Mexico Legislature for regular, special and extraordinary sessions and also for the critical work of interim committees and the relationship of the interim committees to the next regular session to which they necessarily report;
- review constraints on operational structures and processes contained in the Constitution of New Mexico and statutes, as well as those set out in the rules and policies of the legislature;
- review the operational structures and processes of comparable state legislatures;
- concern itself with ensuring public participation in and public understanding, confidence and regard for the processes of the legislature;
- obtain public comment on its study and preliminary recommendations; and
- report regularly to the New Mexico Legislative Council on its progress, issue a preliminary report of any conclusions and recommendations that can be addressed during the 2007 legislative session and produce a final report of all of its conclusions and recommendations, including a summary of any public comment, by December 21, 2007 for action during the 2008 legislative session.

Evolution of Legislative Structure and Process

Following Mr. Olson's introductory remarks, Ms. Tackett gave a presentation on the evolution of legislative structure and process. A copy of Ms. Tackett's prepared remarks are in the meeting file. Ms. Tackett pointed out that it is not necessarily the job of the task force to make proposals to make the legislature more efficient, but rather to make it more effective. Ms.

Tackett gave a brief history of some of the changes that New Mexico has experienced since statehood, and especially since the 1970s, that have created new challenges for the legislature.

The number of bills introduced in 2006 was 600 percent over the 1970 session, and the number introduced in 2005 was twice the number introduced in 1971. However, the time the legislature gets to address that work has remained constant. The number of duplicate bills introduced has also risen dramatically, just since 2001.

Interim committees have proliferated since the 1970s, and the membership on those committees, both voting and advisory, has increased. This has led to legislators serving on more interim committees, making scheduling conflicts inevitable and putting undue strain on the legislature's 112 citizen members. However, the need for more substantive interim committees reflects the legislature's need or desire to make informed policy decisions on a broader range of issues and to exercise greater oversight of the executive branch.

The state's population has also grown since the 1970s, resulting in a higher number of constituents for each legislator and increased demands on the legislature and its staff. Constituents today also tend to have more ideas that they want implemented, and they tend to want those ideas enacted relatively quickly.

During legislative sessions, the number of standing committee referrals for a bill has also increased from one or two to three or even four today. Today, additional committee referrals for a bill is used as a "clean" way to defeat undesirable bills, but this practice slows down the system, making it more difficult for any legislation to work its way through both chambers before the session ends.

Ms. Tackett then identified several process and structural reforms that have been implemented over the years to address some of these changes, including:

- establishment of a deadline for legislators to request bills to be drafted;
- amendment of the constitution to allow the Senate Rules Committee to meet in the interim;
- change in the capital outlay process to produce "capital outlay requests" instead of the huge number of introduced bills to fund individual capital projects;
- reorganizing standing committees in the 1950s;
- reestablishment of certificates of condolence and congratulations instead of introducing memorials to honor constituents;
- creation during the 1950s of the LCS as a nonpartisan professional agency to support the legislature;

- creation of the LFC and LESC to focus specifically on budget and education issues;
- employment of permanent staff in the offices of the leadership positions and the chief clerks to handle constituent services and other duties year-round; and
- implementation of an integrated information system for use by the public and the legislature.

Ms. Tackett concluded her presentation with a list of other reform initiatives proposed in the past that had either not been adopted or had not been fully implemented. Some of those previous reform proposals include:

- limiting the number of bills members may introduce and prohibiting introduction of duplicate bills;
- allowing legislators to designate a limited number of "priority" bills entitled to speedier drafting and committee hearings;
- allowing house members (and this year, senators) to prefile legislation. This practice has been allowed in the house since 1989, but no one has ever exercised that right;
- extending the 30-day session (and sometimes shortening the 60-day session), as well as splitting up sessions with recesses;
- removing restrictions on the subjects that may be considered during the 30-day session;
- capping the number of interim committees, only letting New Mexico Legislative Council members serve as advisory members to interim committees and letting all legislators attend other interim committees during the interim;
- converting to a "paperless" legislature;
- shortening the deadline for introducing bills; and
- requiring a lengthier review of proposed constitutional amendments prior to a final vote by the legislature.

Representative Begaye expressed his enthusiasm for the work of the new task force, with hope that it could include a discussion on including tribal governments in the legislative process.

Representative Wirth inquired about the number of appropriation bills during 2005-2006. Mr. Burciaga responded that of 2,200 bills introduced in 2006, between 700 and 900 were special appropriations. That figure did not include capital outlay requests, which are introduced separately.

Senator Rodriguez stated that some committees just pass through many bills on their way to the Senate Finance Committee, because there is no time to review them. Senator Ingle agreed that bills usually do not get killed in committee anymore, and added that usually when there is more money available for the legislature to spend, more bills get introduced.

Representative Begaye expressed concern about the Capital Outlay Subcommittee of the House Taxation and Revenue Committee (HTRC), in which he spent many hours hearing testimony from constituents who often had to wait hours or come back another day to give a five-minute presentation on a project. However, toward the end of the session, each representative was told to just choose five projects. Representative Begaye felt that the subcommittee process was a waste of time, since that subcommittee never made any decisions.

Task Force Schedule and Discussion

Representative Park suggested that the task force come up with recommendations for the 2007 session, rather than waiting for 2008. Ms. Tackett responded that the New Mexico Legislative Council left to the task force the decision to present piecemeal reform over two sessions or to present one package in 2008.

Responding to a question from Senator Ortiz y Pino about capital outlay, Ms. Tackett said that the interim Capital Outlay Subcommittee of the New Mexico Legislative Council will be addressing the issue of reforming the capital outlay process.

Representative Bratton then discussed the Capital Outlay Subcommittee of the HTRC. He said that it was unfair to make hundreds of people wait for hours or days to testify about individual projects. He also expressed hope that the task force can come up with some truly bipartisan proposals that the voters can support, should any proposal be in the form of a constitutional amendment.

In answer to a question from Representative Begaye about professional mediation, Ms. Tackett responded that New Mexico First would be contracted to be involved with the task force during the 2006 and 2007 interims.

Representative Taylor suggested that a special session be called in September 2007 to address all of the issues regarding reforming the legislative process and structure. He said that the previous reform effort he was involved in presented 17 bills, but only one bill managed to work its way to the governor's desk. The task force was reminded that constitutional amendments cannot be proposed during special sessions of the legislature but that it could be handled that way if the legislature convened in an extraordinary session.

Constitutional Constraints on Legislative Reform

Mr. Burciaga presented information about the constitutional provisions and restraints regarding legislative reform. A copy of his prepared remarks are in the meeting file. He began by noting that while the federal constitution generally grants powers, the Constitution of New Mexico generally sets limits on powers of the state. Thus, if no limitation exists in the constitution regarding a specific power, then that power may be exercised by the state.

Mr. Burciaga then reviewed various provisions of the state constitution that may be the focus of the task force in terms of its work. They include:

- time, length and scope of regular sessions;
- special sessions of the legislature and extraordinary sessions;
- per diem and mileage for legislators;
- the requirement that all legislation be read three times before passage;
- limitations on the scope of individual bills and general appropriation bills;
- the prohibition on "blind" legislation;
- provisions for vetoes, line-item vetoes and overrides, including specific limitations imposed by the New Mexico Supreme Court on the other two branches; and
- creation of the Senate Rules Committee during the interim.

Mr. Burciaga also noted that in the 2005 interim, an interim committee and special counsel were appointed to consider issues surrounding the possible impeachment of an elected official. He noted that there are no provisions in the constitution that deal with impeachment of an elected official in a legislative interim, but that the New Mexico Legislative Council was able to be prepared in advance of such a necessity, without specifically contravening any constitutional provision.

Representative Arnold-Jones commented that she believes legislation is not carefully read and analyzed in committee and that a legislator's duty could be made easier if mock-ups were available to show how adopted and proposed amendments fit within legislation. She noted that technological advances may make that process easier.

Mr. Williams noted the constitutional prohibitions against special legislation and suggested that the legislature is overwhelmed by bills that are introduced contrary to this principle.

Consideration of Survey Instrument

William T. Pound, executive director of the National Conference of State Legislatures (NCSL), presented a draft of the survey that NCSL will conduct during August and September. The survey will be administered to legislators, legislative staff, key staff in various executive agencies and others. The survey is divided into five main categories: general institutional issues, time frames, staff resources, legislative process and procedures, and demographic information on the survey respondents. The legislative process and procedures category has three subdivisions: issues relating to standing committees, issues relating to the interim and legislative rules and procedures.

Mr. Pound stated that the survey will be mailed out within the next week, if the task force approves it, and the results of the survey will be ready for the October 30-31 meeting.

Representative Arnold-Jones said that, in general, session staff lack information technology resources or training. She requested that data analysis questions be included in the survey.

Ms. Jones asked whether there have been nationwide studies of factors that indicate "good" legislatures. Mr. Pound responded that there have been some, but that each state needs to look at its own constitution, history and committee system to determine effectiveness. Ms. Jones recommended looking at various factors of good governance before the task force makes any proposals.

Direction to Staff for Subsequent Meetings

LCS staff then fielded numerous questions and requests for information or action from members of the task force.

Senator Neville asked for clarification on what subjects an extraordinary session of the legislature may address. Ms. Tackett agreed that when the legislature calls itself into an extraordinary session, it is treated like a regular session, and all subjects, including proposed constitutional amendments, may be addressed. Senator Neville then asked whether there are any constitutional limitations on the legislature going "paperless". Ms. Tackett responded that there probably are not any, but that staff would look into that subject further. Finally, Senator Neville asked whether the legislature could stop in the middle of its session, go home for a break and then return to finish the session, thus keeping the 30- or 60-day limitation intact. Ms. Tackett responded that as the constitution is now written, the New Mexico Supreme Court has ruled that the legislature ends exactly 30 or 60 *calendar* days after it starts.

Representative Arnold-Jones requested information on the benefits and drawbacks of requiring the executive branch to have all of its legislative requests ready by the first day of a legislative session.

Mr. Coll suggested looking at the idea of amending the constitution to allow the legislative session to be extended, in order to stop an "end-of-the-session" filibuster by a member.

Representative Larrañaga requested that the task force also study the legislative process as it occurs during the interim, including its oversight role. He said that currently only the LFC has subpoena power.

Mr. Jewell suggested the task force look at the legislative reform process underway in Oregon.

Representative Park wondered why the task force is not going to meet until October 30. Ms. Tackett responded that due to delays in appointing the initial task force, staff needed time to

develop the ideas presented at this first meeting, and time to tabulate the survey results. Mr. Olson then said that task force members should send any issues they want staff to research, preferably within the next two weeks, and then staff should compile that research list and send it to the members. Representative Park replied that he already has two such ideas, which are to look into providing district staff for legislators and increasing session staff for rank-and-file members.

Representative Saavedra said he supports Representative Park's idea of providing a staff person to every legislator during session, and some sort of staff support during the interim, at least to help legislators respond to the 10-15 letters they receive every day.

Mr. Williams stated that the legislature needs to move away from its tendency to micromanage the budgeting process, especially with regard to capital outlay. He said that any amount of legislative process change the task force may come up with will not help so long as the legislature micromanages the appropriation and capital outlay process.

Representative Begaye suggested looking at standing committee structure and jurisdiction. He said the House Judiciary Committee (HJC) is constantly overwhelmed with work. He also recommended the elimination of duplication of committee jurisdiction over subject areas.

Representative Arnold-Jones commented that committees tend to pass flawed bills, instead of fixing them or issuing a DO NOT PASS recommendation. Representative Wirth lamented the lack of legal expertise on some standing committees, especially those in which he finds himself the "legal expert" having to make judgments by himself on some tricky legal issues. He said that more bills need to be sent to HJC and that maybe committees should only focus on that particular part of a bill within its purview.

Mr. Coll then said that the House Appropriations and Finance Committee and the Senate Finance Committee end up being the "dumping ground" for all the bad bills previous committees could not find the courage to defeat. He also said committees should not table bills as a way of defeating them. Tabling motions should only be made if the committee actually intends to rehear a bill at a later date.

Senator Ortiz y Pino said that multiple bill introductions adds to the problem because members know that they will be able to hear the bill again later.

Representative Begaye said that the legislature could save one week of time just by streamlining the appropriation process.

Representative Wirth said that the interim Courts, Corrections and Justice Committee would benefit from having the power to subpoena witnesses.

Representative Taylor then commented that New Mexico involves the public less than other states do. He suggested that the legislature take breaks in the middle of sessions in order to

have town hall meetings and to gather public input on proposed legislation. But, he cautioned, extending the length of sessions will not solve the problem. As an example, he stated that the HTRC often has 30-40 agenda items every day it meets, which means that by giving 15 minutes to each bill, the committee would need to meet up to 10 hours every day to accomplish its daily agenda.

Senator Neville requested that the survey include questions about salary issues for legislators. He commented that if there were a salary for legislators, there probably would be more contested legislative races. Representative Saavedra agreed, saying that legislators at least need a better per diem just to cover their own expenses. He also suggested that the business, appropriations and tax committees start meeting five to seven days per week during the session and that legislators should not be sent home for a long weekend on the Thursday of the first week of session anymore.

There being no further business, the task force adjourned at 12:00 noon.

**TENTATIVE AGENDA
for the
SECOND MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**October 30-31, 2006
Room 322, State Capitol
Santa Fe**

Monday, October 30

10:00 a.m. **Call to Order**

—Thomas A. Donnelly and Richard E. Olson, Co-chairs

Approval of Minutes

10:15 a.m. **Report on Results of Survey of Legislators and
Others Involved in the Legislative Process**

—William T. Pound, Executive Director, National Conference of
State Legislatures

11:45 a.m. **Lunch**

1:00 p.m. **Report on Previous Reform Studies and Efforts**

—Paula Tackett, Director, Legislative Council Service (LCS)
—John Yaeger, Assistant Director for Legislative Affairs, LCS
—Michael Browde, University of New Mexico School of Law, Legal Counsel to
the 1995 Constitutional Revision Commission

2:30 p.m. **Development of Task Force's Priorities — Small Group
Discussions — Rooms 324 and 326**

—Paula Tackett, Director, LCS
—Heather Balas, President, New Mexico First

5:15 p.m. **Recess**

Tuesday, October 31

9:00 a.m. **Development of Task Force's Priorities — Small Group
Discussions (continued)**

12:00 noon **Lunch**

1:00 p.m. **Development of Task Force's Priorities (continued)**

3:00 p.m. **Adjourn**

**MINUTES
of the
SECOND MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**October 30-31, 2006
Room 322, State Capitol
Santa Fe**

The second meeting of the Legislative Structure and Process Study Task Force was called to order by Richard E. Olson, co-chair, at 10:10 a.m. in Room 322 of the State Capitol in Santa Fe.

Present

Thomas A. Donnelly, Co-Chair
Richard E. Olson, Co-Chair
Rep. Janice E. Arnold-Jones
Rep. Ray Begaye
Sen. Mark Boitano
Max Coll
Linda M. Davis
Marie Eaves
William R. Humphries
Judy K. Jones
Rep. Larry A. Larranaga
Sen. Cynthia Nava (October 30)
Sen. Steven P. Neville
Sen. Gerald Ortiz y Pino
Sen. Nancy Rodriguez (October 31)
Rep. Henry Kiki Saavedra
Rep. Thomas C. Taylor
Anthony Williams
Rep. Peter Wirth

Advisory Members

Sen. Stuart Ingle
Kim Seckler

Absent

Charles Dorame
F. Chris Garcia
Tommy Jewell
Willard Lewis
David McCumber
Brian McDonald
Sen. William H. Payne
Murray Ryan

Rep. Donald E. Bratton
Marilyn O'Leary
Rep. Al Park

(Attendance dates are shown for those members not present for the entire meeting.)

Staff

Paula Tackett, Director, Legislative Council Service (LCS)
David Abbey, Director, Legislative Finance Committee (LFC)
Pauline Rindone, Director, Legislative Education Study Committee (LESC)
Raul E. Burciaga, Assistant Director for Drafting Services, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS
Cathy Fernandez, Deputy Director, LFC
Roxanne Knight, Researcher, LCS
Evan Blackstone, Staff Attorney, LCS

Guests

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

Monday, October 30

Co-chair Olson stated that the purpose of the meeting was to identify potential reforms after the various presentations have been made.

Report on Results of Survey of Legislators and Others Involved in the Legislative Process

William T. Pound, executive director of the National Conference of State Legislatures (NCSL), presented the results of the survey conducted by NCSL.

Overview

The LCS engaged the NCSL to survey legislators, legislative staff, lobbyists and others involved in the legislative process on the procedures and operations of the New Mexico Legislature. The survey focused on the legislature's performance in key areas and potential improvements needed in legislative operations. NCSL developed a survey instrument that was sent to 255 individuals. One hundred ten individuals responded to the survey for a response rate of 43 percent. In addition, NCSL staff interviewed 50 individuals, including legislative leaders, legislators, legislative permanent and session staff, lobbyists and executive branch staff to supplement the written responses.

More than 67 percent of respondents indicated that the New Mexico Legislature effectively addresses the state's most pressing needs. Additionally, 83 percent of respondents indicated that the legislature does a good job of reviewing the budget requests of state agencies.

Areas of Emphasis

Mr. Pound said an analysis of the questionnaires and interviews highlighted eight major areas of concern: session length and time, session workload, the committee system, the interim, legislative staffing, legislative image, capital outlay process and compensation.

Session Length and Time

Mr. Pound noted that during odd-numbered years, the New Mexico Legislature is in regular session no longer than 60 calendar days; in even-numbered years, the legislature is in session no longer than 30 calendar days. According to the state constitution, in the 30-day

session, "the legislature shall only consider (1) budgets, appropriations and revenue bills; (2) bills drawn pursuant to special messages of the governor; and (3) bills of the last previous regular session vetoed by the governor".

The predominant view held by study participants is that the 60-day session is adequate for conducting legislative business but the 30-day session is too short. Almost 68 percent of questionnaire respondents and the majority of interviewees believe that, given the enormity of issues before the legislature, consideration should be given to changing the constitution to lengthen the 30-day session.

A major concern expressed by participants was that the majority of the legislative business occurs during the final days of the session. Respondents suggested the following to relieve the pressure during the final days of session: conducting committee meetings prior to the start of the session if pre-filing of bills is expanded and taken advantage of by the members and breaking in the middle of the session to allow more time for committee work. Additionally, many respondents believe that the 30-day session would be adequate if it is limited to budget issues.

Mr. Pound noted that regardless of session length, all chambers face the inevitable circumstance that the bulk of the floor work comes in the final days of the session. While all chambers face last-minute *floor* action, not all chambers face last-minute *committee* action. This may be at the root of the frustration expressed. Committee meetings in the final days, especially on bills still in their originating chamber, draw members from the floor and other committees, which may be hearing bills that are closer to final passage, and raise concern about last-minute maneuvering. States do vary in how they count the amount of time they spend in session. A number of states calculate the session length based on legislative days — the number of days actually spent on the floor rather than calendar days.

Session Workload

Mr. Pound noted that the number of bills considered by the legislature grew from 1,788 in 2001 to 2,182 in 2005. In even-numbered years, the number of introduced bills grew from 900 in 2002 to 1,623 in 2006. The number of bills passed by the legislature does not necessarily correlate to the number introduced, due, no doubt, to the myriad factors that influence the number of bills approved. Mr. Pound noted that in 2001, the legislature approved more than 480 measures — a record high that was eclipsed just two years later with the passage of 523 bills. Yet in 2006, just 125 bills were approved by the legislature — the lowest number for a 30-day session in two decades.

Many individuals responding to the survey focused on ways the legislature could streamline its processes. These suggestions included expanding and making greater use of the rules that allow pre-filing of bills, limiting the number of bills a legislator could introduce and instituting and enforcing deadlines.

In response to a question, Mr. Pound noted that Colorado has a limit of five bills per member, which is the most restrictive, and it has deadlines on hearings and for clearing the first house by the fiftieth day out of a 120-day session. However, Colorado can loosen the restriction

because of term limits or if other important issues arise that require additional bill activity. In those cases, Mr. Pound pointed out that Colorado has a leadership committee that makes those decisions.

In response to questions, Mr. Pound stated that some states prohibit the introduction of duplicate bills and that many states have deadlines for committee action and executive action. He noted that 46 chambers use "cross-over" deadlines.

Both senate and house rules provide for the prefiling of bills, although no bill has ever been prefiled in either chamber. The senate rule is new, so members have not had an opportunity to make use of it yet. Prefiling in the house is limited to interim committee bills and agency bills and may only be used in even-numbered years, just before a short session. Many respondents focused on using the existing prefiling mechanisms as a way to more efficiently use the beginning weeks of the session. Mr. Pound said approximately 80 legislative chambers speed up their process by allowing lawmakers to prefile bills.

Sixty-two percent of survey respondents indicated that the legislature should limit the number of bills that individual legislators may introduce. Twenty-one chambers currently impose a limit on the number of bills a member can request to be drafted and can introduce.

More than three-fourths of legislative bodies have instituted deadline systems. These include deadlines for bill introductions, committee action, action by the house of origin, second house action and conference committee action. Seventy percent of respondents felt that deadlines for when committees must act on legislation would improve the process. Seventy-three percent of respondents felt that there should be deadlines on when each chamber must act on legislation.

The Standing Committee System

Seventy percent of respondents indicated that improvements need to be made in the current standing committee system. The survey found that public participation in standing committee meetings needs to be expanded and that meetings need to provide ample time for hearing public testimony. Additionally, there was strong sentiment that committees should convene on time.

There is strong belief that there are too many committees, problems maintaining quorums during meetings and that committee jurisdictions are somewhat overlapping. In addition, respondents believe that given the committee workload during the 30-day session, not all issues can adequately be addressed. Some members noted that there is no formal time set aside for caucus meetings during the session. A number of respondents felt that conference committee meetings should be open.

There currently is no training for committee chairs or vice chairs. Management training for chairs and vice chairs was repeatedly mentioned as a potential way to improve the committee process.

In response to task force discussion, Mr. Pound noted that New Mexico is not alone in facing many of the issues raised and that while there are mechanisms that can address certain issues, such as requiring adherence to committee schedules, the legislature is a people-driven process and solutions do not just come through rules.

The Interim

Overwhelmingly, respondents noted that the work of interim committees does not feed into the work of standing committees. In each of the last three years, there have been more than 20 committees appointed during the interim. This compares to eight senate standing committees and 12 house standing committees. Respondents believe that it would be helpful to make the committees more parallel or have the work of the interim committees flow into the standing committees. Interviewees commented that interim committees could be more substantive through the assignment of specific issues that would be covered in the coming session or the more rigorous development of legislation that might be used during the session. The difficulty in following these approaches is that the membership on the interim committees may not coincide with the membership of the standing committees, resulting in duplicate work.

Many legislators are appointed to numerous interim committees, which makes it difficult for them to attend all of their committee meetings and for a quorum of committee members to be present.

There is some view that committee jurisdictions are overlapping and that some committees overreach their jurisdictions. For example, some respondents felt that the LFC holds hearings on some substantive issues that are covered in other committees. Finally, it was noted that some interim committees have outlived their usefulness.

Legislative Staffing

Seventy-four percent of respondents felt legislative permanent staff have the necessary skills (experience, education, expertise) to properly analyze legislation. Personal interviews also revealed a high regard for the permanent legislative staff for their professionalism and competence. Legislative session staff was not held in as positive a light and could benefit from additional training. Respondents were equally divided as to whether personal and/or district staff were necessary. Caucus staff also were mentioned as a means of support. Legislators did indicate a strong desire for primarily clerical assistance during the session either by the current staff or by adding additional staff.

Legislative Image

Mr. Pound noted that a recent Albuquerque Journal poll put the legislature's approval rating at 44 percent, a relatively high number. It is generally true that when the popularity of the governor increases, so does the popularity of the legislature. This is not to say that there are not problems with the public image of the legislature. In the interviews, respondents indicated that it is difficult for citizens to interact in the legislative process, especially when the public comes to testify on issues before both standing and interim committees. This is largely related to the unpredictability of committee hearing schedules. In addition, when committees meet outside the capitol, public participation is low. Public input and participation are diminished by the lack of

committee organization and adherence to scheduling, which both affect the legislature's image of professionalism. Mr. Pound noted that many states have a public information office.

Additional comments by respondents about the image of the legislature included expansion of ethics training and limiting lobbyists' influence in the process and the development of legislation.

Capital Outlay Process

Mr. Pound noted that the capital outlay process was widely commented on as one that did not work well. He also noted that a separate study is being undertaken of the process. While many respondents noted that the capital outlay process is one way legislators could bring support directly to their constituents, it was also felt that the process is inequitable and not fiscally prudent.

Compensation

Mr. Pound noted that pursuant to the New Mexico Constitution, New Mexico legislators receive the per diem rate established by the Internal Revenue Service for the City of Santa Fe for attendance during each meeting day of the legislature or its committees. The constitution does not allow any other compensation, perquisite or allowance. In the survey and interviews, the question was posed as to whether legislators should receive compensation in the form of salary or expenses above the current per diem rate. Respondents were divided on this issue. Mr. Pound said the task force should consider what will be accomplished by providing additional compensation either in the form of salary or reimbursement of expenses. If the goal is to maintain a strictly citizen legislature, some respondents felt that additional compensation is not necessary. On the other hand, respondents felt that the current per diem practice limits the type of legislator who serves to those of means or individuals who are retired. Increasing compensation may allow for a broader cross section of the population to serve in the legislature. If compensation or reimbursement is offered, respondents generally reported that \$25,000 per year or \$2,000 per month in expense reimbursement would be appropriate.

In response to a question, Mr. Pound noted that an effective legislature is one that is informed, has adequate time to conduct its business, informs the public and operates on good information. He said that suggestions to increase public involvement, generate respect among legislative members, increase the effectiveness of committees and use time more efficiently should all be considered.

The task force recessed for lunch and reconvened at 1:15 p.m.

Report on Previous Reform Studies and Efforts

Ms. Tackett, Mr. Yaeger and Michael Browde, legal counsel to the 1995 Constitutional Revision Commission and professor at the University of New Mexico School of Law, presented an historical perspective of previous legislative structure and process reform efforts. They reviewed the range of reforms proposed by the 1995 Constitutional Revision Commission, the 1988 Legislative Reform Study Committee, the 2002 Committee Process Study Subcommittee, the 1994 New Mexico First Town Hall on the Structure of Government in New Mexico and the current Governor's Task Force on Ethics Reform.

Mr. Yaeger reviewed the previous reforms that have been proposed to address both legislative session time management and workload concerns. The reforms included extending the length of the session, limiting the number of executive messages, implementing bill passage deadlines, ensuring that committee meetings start on time and limiting debate on unfavorable committee reports.

Mr. Browde noted that the 1995 Constitutional Revision Commission proposals included language to address a veto override session.

Responding to a question about the governor's line-item veto power, Mr. Browde explained that the line-item veto is a negative power and not an affirmative one. He pointed out that the court has attempted to strike a functional balance between ensuring that the legislature performs its legislative functions but not constraining the governor in expending the funds given. There are not clear standards in the court decisions, but Mr. Browde stated that the ambiguity in the cases has kept the legislative and executive branches "on their toes".

Committee Business

Co-chair Olson asked that the committee adopt the minutes from the previous meeting. On motion made and without objection, the minutes of the August 4, 2006 meeting were approved as submitted.

Development of Task Force's Priorities — Small Group Discussions

Ms. Tackett introduced Heather Balas, the president of New Mexico First, and explained Ms. Balas's role as a facilitator, similar to her role in various town halls that have been conducted around the state. The task force broke into two smaller groups as part of the consensus-building process facilitated by New Mexico First.

The task force recessed for the day at 5:00 p.m. and reconvened the following day at 9:00 a.m. to continue the portion of the meeting facilitated by New Mexico First.

A copy of the New Mexico First report summarizing the results of this process is attached to the original of these minutes.

There being no further business, the task force adjourned at approximately 3:00 p.m.

TENTATIVE AGENDA
for the
THIRD MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE

December 7, 2006
Room 307, State Capitol
Santa Fe

Thursday, December 7

- 10:00 a.m. **Call to Order**
—Co-Chairs Thomas A. Donnelly and Richard E. Olson
- Review of New Mexico First Report on Facilitated Portion of**
October 30-31 Meeting
—Heather Balas, President, New Mexico First
- 10:45 a.m. **Presentation of Potential Reform Categories**
—John Yaeger, Assistant Director for Legislative Affairs, Legislative
 Council Service (LCS)
- 11:30 a.m. **Report on Capital Outlay Subcommittee Work**
—Paula Tackett, Director, LCS
- 12:00 noon **Lunch**
- 1:00 p.m. **Task Force Business**
 Approval of Minutes
 Tentative 2007 Meeting Dates
 Review of Task Force-Requested Information
 Session Length
 Conference Committees
 Legislative Compensation
- 1:45 p.m. **New Mexico Interim Committee Process**
 Creation and Appointment Process
 Trends in Size and Growth
 —Paula Tackett and John Yaeger, LCS
- 2:45 p.m. **Discussion of Interim Committee Process Reforms**
- 3:45 p.m. **Adjourn**

**MINUTES
of the
THIRD MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**December 7, 2006
Room 307, State Capitol
Santa Fe**

The third meeting of the Legislative Structure and Process Study Task Force was called to order by Richard E. Olson, co-chair, at 10:20 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Thomas A. Donnelly, Co-Chair
Richard E. Olson, Co-Chair
Rep. Janice E. Arnold-Jones
Rep. Ray Begaye
Sen. Mark Boitano
Max Coll
Linda M. Davis
Charles Dorame
Marie Eaves
William R. Humphries
Tommy Jewell
Judy K. Jones
Willard Lewis
David McCumber
Brian McDonald
Sen. Nancy Rodriguez
Rep. Thomas C. Taylor
Anthony Williams
Rep. Peter Wirth

Absent

Rep. Larry A. Larrañaga
Sen. Cynthia Nava
Sen. Steven P. Neville
Sen. Gerald Ortiz y Pino
Sen. William H. Payne
Murray Ryan
Rep. Henry Kiki Saavedra

Advisory Members

Rep. Donald E. Bratton
Sen. Stuart Ingle
Marilyn O'Leary
Rep. Al Park
Kim Seckler

Staff

Paula Tackett, Director, Legislative Council Service (LCS)
Raúl E. Burciaga, Assistant Director for Drafting Services, LCS
Ric Gaudet, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of handouts from meeting presenters are in the meeting file.

Thursday, December 7

Review of New Mexico First Report on Facilitated Portion of October 30-31 Meeting

The New Mexico First report on the October 30-31 task force meeting was reviewed by Heather Balas, president of New Mexico First. She presented the vision statement as agreed upon by the task force and presented reform ideas generated at the last meeting, categorized by topic.

The four reform categories are: session workload, interim workload, public input and institutional structure. Each reform was ranked according to support for further investigation, not necessarily whether the reform itself should be adopted. Task force members also rated several top priorities for reform. Ms. Balas then said that the task force needs to decide whether to pursue any of these reforms in the 2007 legislative session, or whether to wait until all reforms have been decided upon next year.

Kim Seckler asked Ms. Balas what she thought the next step for the task force should be. Ms. Balas responded that the New Mexico First report should be viewed as a starting point for the task force. She advised the task force to work with the ideas generated so far and to avoid adding new ideas to the list.

The task force then discussed the proposed vision statement for the legislature and made several modifications to its language and structure. Changes included adding "multicultural" to a sentence to include all minority groups, adding a sentence recognizing the unique relationship between the state and Native American governments, deleting "nonpolarized", adding "sets effective public policy" as a pillar of the statement, reordering the paragraphs and making a few changes for technical clarification. The vision statement was adopted, as amended, unanimously by the task force. The amended statement reads:

Vision for the Legislature

The New Mexico Legislature is a transparent decision-making body in which public opinion is solicited, valued and respected. The citizens understand the legislative process and actively engage in it. This participation is enabled by education and effective communication through the use of technology. As a result, members of the public can negotiate the legislative system.

The Legislature has adopted a proactive approach to governing the state. Legislators act for the good of the state as well as their individual districts. They exhibit the highest degree of self-discipline and leadership. The Legislature is

cognizant of the unique relationships the state has with sovereign Native American governments. All participants in this process, including elected officials, lobbyists and other citizens, treat one another with respect.

New Mexico chooses to maintain its citizen legislature, and it uses effective tools that allow it to be deliberative, focused and thoughtful. The Legislature's streamlined bill system utilizes efficient computer programs that allow the Legislature's most essential functions to be addressed and accomplished in a timely way. In addition, the legislators have the resources, staff and physical facilities they need to do their jobs well.

The Legislature assumes a strong position among the branches of New Mexico government. It sets effective public policy and has oversight of state agencies and the capital outlay system. Most importantly, it effectively allocates public revenues.

As a result of the task force's restructuring, the Legislature achieves informed deliberation, which allows it to sustain New Mexico's unique multicultural blend of southwestern rural and urban lifestyles.

Presentation of Potential Reform Categories

John Yaeger reviewed the reform ideas generated by the task force and what kind of action would be necessary to implement each change. He grouped 37 ideas into seven different categories: interim structure, session volume, session time, public information, legislative-executive relations, member relations and constituent relations.

Representative Thomas C. Taylor mentioned another problem relating to agency oversight, which is that agencies tend to write rules that do not agree with legislative intent of laws. Max Coll said that veto override sessions may be desirable because the current system makes it nearly impossible for the legislature to override vetoes. He also said that the task force should consider changing the governor's line-item veto power to disallow language deletions in order to change the meaning of a bill.

Representative Taylor suggested that the task force make all of its recommendations in time for an extraordinary session of the legislature to convene in October or November 2007. He said that any recommendations presented to a regular session of the legislature will most likely get lost in the crush of other legislation. The last time the New Mexico Legislative Council created a committee to propose changes to the structure and process of the legislature, virtually none was implemented.

A discussion ensued about how to call an extraordinary session and what would be the best process and timing to convene it. The main point discussed included the need to have broad legislative and public support of the proposals before attempting to convene an extraordinary session. Representative Arnold-Jones moved that the task force consider all seven categories of reform proposals early enough in the 2007 interim to enable an extraordinary session of the

legislature in the fall of 2007. More discussion followed, but a vote on the motion was postponed until after lunch.

Report on Capital Outlay Subcommittee Work

Paula Tackett reported to the task force the work that the Capital Outlay Subcommittee had been doing during the interim. She briefly reviewed some of the testimony and presentations the subcommittee heard and discussed some of the reforms the subcommittee is considering. She predicted that the subcommittee will address time lines, including executive time lines; limiting the capital outlay bill to capital projects only; proposed criteria for state and local capital outlay projects; and setting capital spending levels early in the session in order to not be delayed by the general appropriation act process. She also said that the subcommittee may consider creating an interim capital outlay committee to review proposed projects.

Anthony Williams asked if there had been any discussion in the subcommittee about funneling a certain portion of severance tax revenue to local communities so that local governments can have more say in how to spend that money. Ms. Tackett said that the subcommittee had not considered that issue and that local governments have in the past been reluctant to raise their own taxes, preferring to let the state do that politically difficult task.

Representative Ray Begaye asked why there was no Native American representation on the subcommittee, because he knew that there were still big problems in getting capital projects implemented in Indian country. Ms. Tackett said that the subcommittee this year was more focused on the legislative process of capital outlay, and had not looked in-depth at more substantive issues.

Mr. Coll suggested that local governments be required to produce a local match before getting state capital outlay money, which would ensure that only quality, planned projects would get funded.

Senator Mark Boitano asked why some projects in his district were still not complete. Ms. Tackett said that sometimes projects actually are complete but that the agency has not yet submitted invoices for reimbursement.

The task force recessed for lunch until 1:20 p.m.

Task Force Business

Tentative 2007 Meeting Dates

Mr. Yaeger presented a revised list of possible meeting dates for the task force in 2007, allowing for town hall meetings in September and an extraordinary session in late October or early November 2007.

Richard E. Olson asked if the task force report will be presented to the Legislative Council before or after the town hall meetings. Ms. Tackett said that it is up to the task force to decide. She also said that the task force could issue preliminary reports to advise the council of its work and intentions.

Mr. Coll suggested looking into the idea of calling a constitutional convention, which could involve the public more.

Senator Boitano expressed doubt that town hall meetings have much public representation. At a meeting he attended recently about schools, about 80 percent of attendees were interested parties while only 20 percent were members of the general public.

Representative Begaye asked when any constitutional reforms would take effect. Ms. Tackett responded that unless the legislature funded an earlier special election, any amendment would go into effect as soon as it has been certified by the state canvassing board as having passed, which would probably be late 2008.

Representative Arnold-Jones' motion, made earlier in the day, to seek an extraordinary session in 2007 was adopted unanimously.

Session Length, Conference Committees and Legislative Compensation

Mr. Yaeger reviewed several research documents comparing New Mexico to other states in areas such as session length and calendars, public conference committees, legislative compensation and full-time versus part-time legislatures.

Mr. Olson asked how many states have restrictions on legislative session length. Mr. Yaeger said that the LCS will find out and report back to the task force.

New Mexico Interim Committee Process

Creation and Appointment Process

Ms. Tackett reviewed an information memorandum prepared for the task force about interim committees in New Mexico. She described the different types of committees and the different types of appointing authorities. She said that once an interim committee has been established, it has historically been difficult ever to abolish the committee, even though it may no longer be necessary.

Mr. Williams asked why interim committees do not go away. He said that it seems that constituent groups use the committees to access government. Ms. Tackett said that the legislature could repeal all the statutes that created issue- and task-oriented committees or it could insert sunset provisions. Ms. Seckler suggested that the Legislative Council not appoint members to some interim committees for one year, and then it would be easier to repeal their statutes.

Mr. Coll said that interim committees are very important for the educational and citizen input roles they play. However, he said that the only reason the Radioactive and Hazardous Materials Committee still exists 27 years after its creation is because industrial interests want it as a tool to oversee the Department of Environment.

Representative Begaye suggested looking into letting standing committees function year-round.

Senator Nancy Rodriguez advised the task force not to get too eager to get rid of interim committees because legislators see them as a very important educational and public-input tool. She said she realizes that there probably are too many committees, but that it will be difficult to convince legislators that their committees need to expire.

Speaker of the House Ben Lujan, who was present for part of the meeting, agreed with Senator Rodriguez, but added that the task force needs to decide what would be best for the effectiveness of the legislature, and that may mean revising its interim committee structure.

Representative Peter Wirth said that interim committees have been very helpful for him. He suggested that interim committees not mirror standing committees, because interim committees allow legislators to learn about new subjects. He also suggested that members rotate their committee assignments every few years and that better planning be done to avoid agenda items returning every year.

Representative Begaye said that the state spends a large amount of money each year for interim committees to meet and develop legislation but that the ability to filibuster at the end of session often leads to many bills not passing, which is a big waste of time and money. Ms. Tackett said that if session workloads could be better managed, the filibuster issue would not be such a problem, because needed legislation would be passed in a timely fashion. Another idea is to somehow fast-track interim bills during the session.

Mr. Coll said that the senate consent calendar had been much abused in the past, resulting in many house bills never getting heard or acted upon. Only a few people in the senate decide the consent calendar, he said. Representative Arnold-Jones asked if double introduction of bills is exacerbating the problem. Mr. Coll said that double introductions just waste time but one of those bills usually moves. The bigger problem, he said, is double and triple committee referrals, with committees refusing to kill bills. Finally, Mr. Coll said that interim committees should be charged each year with specific tasks and purposes.

Representative Janice E. Arnold-Jones agreed and added that a few committees should be created with broad scopes. Those committees would then focus on a few specific subjects each year.

Mr. Olson commented that it seems impossible today to have a job and attend all the interim committee meetings that legislators are expected to attend. He suggested that there could be an educational budget for each legislator to choose which extra interim committees to attend each year. That would allow the elimination of advisory members.

Senator Boitano said that the doubling of the per diem rate from what it was 10 years ago probably explains some of the increase in interim committee assignments. The current system rewards legislators for sitting in legislative meetings all day, rather than encouraging them to meet with constituents.

Trends in Size and Growth

Mr. Yaeger briefly described the increases in the number and membership of interim committees over the past 25 years, which brought up a new round of discussion.

Willard Lewis echoed Mr. Olson's suggestion of getting rid of advisory members on interim committees and, instead, allow and pay for a certain number of committee meeting dates for each legislator.

Mr. Yaeger said that the median number of interim committees a state representative serves on, including as an advisory member, is three. State senators typically serve on seven interim committees.

Discussion of Interim Committee Process Reforms

Representative Arnold-Jones recommended the establishment of a joint capital outlay committee for the 2007 interim. Following a brief discussion, that idea was put on hold until the Capital Outlay Subcommittee could hear the issue at its December meeting.

Mr. Olson moved that the Legislative Council establish a pilot project in 2007 to tie the membership of the standing judiciary committees to an interim committee that studies judicial and corrections issues. The motion was adopted unanimously.

The minutes of the October 30-31 meeting of the task force were approved.

Ms. Tackett asked for direction from the task force on how to proceed with the sequence of scheduling topics for the 2007 interim. The task force directed the LCS to work with the co-chairs of the task force in coming up with the topic order.

There being no further business, the task force adjourned at 3:20 p.m

Revised: May 2, 2007

**TENTATIVE AGENDA
for the
FOURTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**May 3-4, 2007
Room 307, State Capitol
Santa Fe**

Thursday, May 3

10:00 a.m.

Call to Order

—Co-chairs Thomas A. Donnelly and Richard E. Olson

10:15 a.m.

Recap 2006 Work and Proposed 2007 Work Plan

—John Yaeger, Assistant Director for Legislative Affairs, Legislative Council Service (LCS)

10:45 a.m.

Session Volume Background

—Raúl E. Burciaga, Assistant Director for Drafting Services, LCS, and John Yaeger

12:00 noon

Lunch

1:30 p.m.

Task Force Discussion and Consideration of Potential Reforms

—Prefiling Legislation: Current Rules and Practice
—Bill Introduction Limits: Options
—"Do Not Pass" Recommendations

4:00 p.m.

Recess

Friday, May 4

9:00 a.m.

Call to Order

—Co-chairs Donnelly and Olson

Continued Discussion and Consideration of Potential Reforms

—Joint Sponsorship of Duplicate Legislation: Implementation of House Concurrent Resolution 2 (2007)
—Stephen R. Arias, House Chief Clerk
—John Yaeger
—Session Staff Recruitment and Training
—Stephen R. Arias
—Memorials Requesting Agencies to Act

12:00 noon

Adjourn

**MINUTES
of the
FOURTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**May 3-4, 2007
Room 307, State Capitol
Santa Fe**

The fourth meeting of the Legislative Structure and Process Study Task Force was called to order by Richard E. Olson, co-chair, at 10:30 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Thomas A. Donnelly, Co-Chair
Richard E. Olson, Co-Chair
Rep. Janice E. Arnold-Jones
Rep. Ray Begaye
Max Coll
Linda M. Davis
Marie Eaves (May 3)
William H. Humphries
Tommy Jewell
Judy K. Jones (May 3)
Rep. Larry A. Larrañaga
Willard Lewis
Sen. Gerald Ortiz y Pino
Sen. Nancy Rodriguez
Anthony Williams
Rep. Peter Wirth (May 4)

Advisory Members

Rep. Al Park (May 3)
Kim Seckler (May 3)

Absent

Sen. Mark Boitano
Charles Dorame
David McCumber
Brian McDonald
Sen. Cynthia Nava
Sen. Steven P. Neville
Sen. William H. Payne
Murray Ryan
Rep. Henry Kiki Saavedra
Rep. Thomas C. Taylor

Rep. Donald E. Bratton
Sen. Stuart Ingle
Marilyn O'Leary

(Attendance dates for members attending part of the meeting are shown in parentheses.)

Staff

Raúl E. Burciaga, Assistant Director for Drafting Services, Legislative Council Service (LCS)
Ric Gaudet, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of handouts given by meeting presenters are in the meeting file.

Thursday, May 3

Co-Chair Remarks

Thomas A. Donnelly, co-chair, reported to the task force about his presentation to the Legislative Council on January 15, 2007. He outlined some of the subject areas for reform, including bill introduction limits, separate legislative versus calendar days, consolidation of interim committees and requiring a certain minimum time spent at interim committees in order to receive per diem. He reminded the council that the task force was not yet ready to make any recommendations. Representative Janice E. Arnold-Jones asked whether there was consensus on any topic. Mr. Donnelly responded that there was no such consensus on any topic.

Recap of 2006 Work and Proposed 2007 Work Plan

John Yaeger reviewed the New Mexico First report to the task force, which was presented at the December 2006 meeting, and then described how he and the co-chairs organized the reform topics into a work plan for 2007.

Mr. Olson wondered whether the proposed town hall meetings would be useful, since he was not sure anyone would come. Representative Arnold-Jones said that there is an important educational value of town hall meetings.

Max Coll said that the legislative leadership needs to be involved now with the task force; if not, he sees little chance of any reform being adopted. Senator Gerald Ortiz y Pino agreed and also wondered if there was an actual need for an extraordinary session of the legislature, since many of the reforms could be addressed by legislative rules changes. Anthony Williams added that the task force should focus on convincing leadership of the value of the reforms, rather than focusing on the public, since the public generally does not care about the kind of structural reform the task force is considering.

The task force directed LCS staff to write a letter to the Legislative Council inviting its members to attend task force meetings and to start considering some of its proposals.

Meeting dates for the 2007 interim were set as follows:

May 17-18	Session Time
June 14-15	Interim Structure
July 19-20	Legislative-Executive Relations Member Relations
August 16-17	Public Information Constituent Relations

The minutes for the December 7, 2006 meeting of the task force were approved.

Session Volume Background

Raúl Burciaga talked about session volume and duplicate legislation. He noted the substantial increase in the number of bills introduced each session since 1999. He also talked about the huge increase in duplicate legislation being introduced and the increase in the number of committee referrals of bills.

The legislature amended Joint Rule 10-1 during the 2007 regular session to essentially allow only one introduction of an interim-committee-sponsored or an executive-requested bill, resolution or memorial. A new Joint Rule 11-1 was also adopted that allows senators and representatives to co-sponsor bills introduced in the other chamber.

Representative Arnold-Jones asked what would happen if the executive wants duplicate bill introductions. Mr. Yaeger said that individual legislators can still request duplicates of other bills. She then asked how the rule would affect confidentiality provisions. Mr. Yaeger responded that generally, interim committee bills are publicly available long before they are introduced.

Mr. Olson asked why legislators introduce duplicate bills. Mr. Burciaga said that interest groups often find two sponsors for a bill, in order to increase the chances of its passage. Representative Begaye said that he has concerns about House bills being stalled in the Senate. He said there needs to be changes in the committee system before he would support a ban on duplicate introductions. He did say that he liked the idea of limiting the number of bills a legislator can introduce, however.

Mr. Olson asked whether members of the same house can co-sponsor a bill after it has been introduced. Mr. Burciaga said that as it was adopted, only members of the other chamber can co-sponsor a bill after introduction.

Senator Ortiz y Pino predicted a drastic reduction in duplicate bill introductions if legislators are limited in how many bills they can introduce.

Mr. Olson asked how the increase in duplicate legislation has affected workload. Mr. Burciaga said that duplicates do not affect the LCS too much, but that legislators and committee staff have found themselves with a much greater burden, because they are forced to track many more bills and monitor progress of similar bills to avoid conflicting amendments. There is a further problem in which so-called duplicates are no longer the same by the time they reach the governor's desk. Mr. Yaeger said that one benefit of duplicate bills has been that sometimes they can alleviate the end-of-session logjam if one house can quickly vote on a bill if that house has already debated and voted on something identical.

Tommy Jewell asked how bills are identified as being duplicate. Mr. Burciaga responded that although there is no official designation as a duplicate bill, the LCS tracks interim

committee bills that have dual introductions and also tracks bills that are requested to be duplicates of something else.

Mr. Williams asked about the 20-year trend in growth of appropriations bills. Mr. Burciaga said that the last three to four years has seen the largest increase in appropriations, probably due to the recent increase in state revenue. Mr. Williams said there needs to be a way to reign in all the appropriations requests, so that they can be more manageable.

Senator Ortiz y Pino said that the increase in appropriations bills does not really increase the workload of legislators very much, because those bills really do not get much of a hearing.

Judy Jones asked, based on the National Conference of State Legislatures (NCSL) survey done last year, what legislators thought was the biggest problem regarding session workload. Mr. Burciaga said that committee referrals was one of the major problems identified, as was the number of introduced bills. Ms. Jones said that the task force needs to be mindful of what legislators actually see as problems.

Representative Larry A. Larrañaga said that the House Appropriations and Finance Committee (HAFC) splits up into three subcommittees to review all the requests, and that last session, the committee reviewed nearly 1,000 program requests. He said the process is getting overwhelming. He mentioned that legislators do, however, get a certain amount each session to allot toward whatever program they choose.

Representative Arnold-Jones said that some appropriation requests do not fit neatly into one budget category, which means the Legislative Finance Committee (LFC) will not even hear the request and, as a result, that request will never make it into HB 2.

Representative Begaye said that appropriations requests should only be heard in HAFC or the Senate Finance Committee (SFC).

Mr. Coll said that unless committees say no to a bill early, workload problems will continue. He advocated that committees use Do Not Pass (DNP) reports to kill bad bills. He also favors bill introduction limits.

Mr. Williams said that the legislature spends too much time dealing with small, local projects. There needs to be a different forum for such projects.

Senator Ortiz y Pino suggested that the LFC could establish a dollar amount available for certain interim committees to budget. The Legislative Health and Human Services Committee, for example, could then hear all its program requests during the interim, prioritize them and submit one package of appropriations back to LFC for inclusion in HB 2.

Mr. Donnelly asked staff for the total printing cost for the past legislative session.

The task force recessed for lunch until 1:30 p.m.

Task Force Discussion and Consideration of Potential Reforms

Prefiling Legislation

Mr. Donnelly asked whether prefiling legislation in other states has actually expedited the legislative process. Mr. Yaeger said that he would have to research that question and report back to the task force at its next meeting. He said that in New Mexico, in the House and to a lesser extent in the Senate, the tendency is to hear bills in the order that they are introduced. He said that prefiling of bills could lead to earlier committee hearings, but generally probably not before the session actually started, because bill referrals and committee chairs and membership do not get determined until the session actually begins. Mr. Yaeger also said that both the House and Senate have prefiling rules, but that the new Senate version is much broader in scope.

Mr. Coll asked how it would be possible to get co-sponsors for prefiled bills, since most co-sponsoring occurs during floor sessions. Mr. Yaeger said that Joint Rule 11-1 could be amended to allow co-sponsorship of bills in the same chamber. Otherwise, members could go to the chief clerk's office before the session begins and sign the prefiled bill.

Mr. Williams suggested that if the legislature starts using prefiling, it should also shorten the bill introduction period. Mr. Yaeger noted that New Mexico has the longest bill introduction period of any state legislature, which is one-half of the entire session length.

Marie Eaves said that the only way to get bills to be prefiled is to promise legislators that their bills will be processed quickly.

Mr. Coll suggested that prefiling begin as soon as possible after November elections, that there be no limit to prefiled bills, that legislators be limited to eight or ten bills to be introduced during the session and that interim committee bills be exempt from the limit. The topic of bill introduction limits continued a short time later.

Senator Ortiz y Pino said that input from the chief clerks is necessary if prefiling is going to work. He also said that prefiling could allow committees to get to work on bills the second day of session, instead of the usual one week lag time.

Representative Larrañaga said that unless leadership buys in to the prefiling idea, it will not work.

Mr. Coll asked for information about the mechanics of other states' prefiling processes.

Willard Lewis said that prefiling, coupled with bill introduction limits, would enforce discipline on interest groups to get their bills in early.

Senator Nancy Rodriguez wondered what should be done about dummy bills. Mr. Yaeger said that dummy bills could be exempt from the limit. Representative Larrañaga said

that there is a reason they are called "dummy" bills and that they should be eliminated completely. Mr. Coll said that at a minimum, fewer dummy bills should be introduced and some time limit should be imposed on when they can be used.

Mr. Olson asked about what incentives other states have to encourage prefilng bills.

Bill Introduction Limits

Mr. Yaeger reviewed an NCSL report about other states' bill introduction limits and some arguments for and against those limitations. He then identified several issues for the task force to discuss in regard to bill introduction limits. Besides coming up with an actual number to which members would be limited, there are several possible exceptions to that limit, including: extra leadership allowance; interim committee bills; appropriations bills; large-district extra allowance; and no limit to prefled bills. Other issues to consider include 30-day versus 60-day session limits, limits for House and Senate members and whether to include in the limitation other forms of legislation, like memorials and resolutions.

Representative Larrañaga said that memorials directing agencies to act should be restricted. Mr. Coll said that committee chairs should instead write letters to the agency. The result would probably be the same as if a memorial were passed, especially a simple memorial. Senator Ortiz y Pino said that he thinks memorials should be included in the introduction limitation, which would result in a decrease in both duplicate and agency-directive memorials.

William R. Humphries said that the legislature still needs the ability to express its intent to other bodies, especially to federal agencies.

Senator Rodriguez said that although she thinks some limitation on bill introductions is a good idea, she does not want to cut off her constituents' priorities. Mr. Olson suggested that there be no limitation of prefled legislation, but that once the session started, limits be put in place.

Mr. Williams said that if there is unlimited prefilng, appropriations bills should be included in the session introduction limits. That would take care of the endless program requests and would solve the problem of large-district limit fairness. It would also enforce better planning.

Mr. Humphries said he was also in favor of shortening the bill introduction period, in conjunction with prefilng and bill introduction limits. He also said that leadership needs to be shown that these reforms are in its interest.

Ms. Eaves said that if the legislature improves its discipline, the executive needs to as well. Mr. Coll said that the legislature cannot tell the executive when it has to introduce bills, but it could count agency bills against a member's limit if that bill is introduced during the session. Mr. Humphries said that an added benefit to that idea would be the effect of improving the balance of power between the legislature and the executive.

Representative Larrañaga said that the Senate and House prefiling rules need to be the same in order for these reforms to work.

The task force directed staff to prepare legislation that would contain introduction limits for House and Senate members for 60-day and 30-day sessions and that would contain exceptions for interim-committee endorsed legislation and unlimited prefiling of legislation. There would be no exceptions for session-introduced legislation for appropriations or executive agencies. The task force also recommended that these rules be individual House and Senate rules, so they could be suspended if needed.

Do Not Pass Reports

Mr. Coll said one way to get committees to kill bills early would be to allow the second or third committee to re-refer them back to the first committee. He also said that tabling of bills is the most common way to kill bills.

Representative Arnold-Jones said that many bills are "temporarily tabled", which makes no sense, because tabling is by definition a temporary action. In reality, however, tabling kills bills and temporarily tabling does not. Senator Rodriguez said that SFC temporarily tables all appropriations bills until the committee knows how much funding is available.

Mr. Coll said that committees should not send junk bills to HAFC or SFC to be killed; they should be killed in the first committee.

Mr. Olson said that the legislature could limit, except for the finance committees, the amount of time a bill can remain tabled.

Senator Ortiz y Pino said that Do Pass w/out Recommendation reports are a real abuse of the system and a waste of time.

Mr. Williams said that tabling of bills really deceives constituents because they believe their bills are still alive.

Kim Seckler suggested a rule be drafted that after five calendar days (or perhaps five meeting dates of a committee) of a bill being tabled, a DNP committee report be generated and sent to the floor for action. Exceptions would be made for both finance committees. The task force directed staff to develop such a rule.

Having made preliminary recommendations that would make the legislature's work in the future more effective, the task force recessed at 4:00 p.m.

Friday, May 4

The task force reconvened at 9:15 a.m. in Room 307 of the State Capitol.

Continued Discussion and Consideration of Potential Reforms

Joint Sponsorship of Legislation

Stephen R. Arias, chief clerk of the House, and Lenore Naranjo, deputy chief clerk of the Senate, spent the morning with the task force discussing implementation of House Concurrent Resolution 2, which prohibits certain types of duplicate legislation and allows for joint House-Senate sponsors of bills. Mr. Arias described what the chief clerks and LCS envisioned to implement these rule changes. When a House bill is introduced with a senator's co-sponsorship, they will both be listed as primary sponsors, but the representative's name will be listed first. For example, a bill jointly introduced by Representative W. Ken Martinez and Senator Michael S. Sanchez would be listed as "HB __, introduced by W. Ken Martinez/Michael S. Sanchez".

Mr. Arias also talked about duplicate legislation prohibitions and some potential problems that may be encountered, including how to determine what actually is a duplicate, and how to avoid confidentiality conflicts.

Senator Rodriguez asked how conflicting bills are dealt with during the session. She said that last year the Governor's Office asked her to make minor changes to her bill to make it identical to a House bill.

Mr. Arias said that House committee analysts do figure out which bills are duplicates. Mr. Burciaga said that the LCS does also, and it produces a "Conflicts" list, which reports every section of existing law that is amended and those bills that may be in conflict with each other. He said that difficulty arises when bills are mostly identical but have slight differences.

Mr. Williams said that the burden of resolving conflicting or near-duplicate bill problems should not be placed wholly on staff. There should be a process in which just one bill proceeds, and all the other duplicates or near-duplicates are killed.

Representative Peter Wirth clarified that the new rule on duplicates only applies to agency and interim committee bills and not to duplicates requested by a legislator.

Senator Ortiz y Pino said that duplicate legislation will probably mostly disappear if bill introduction limits are imposed.

Mr. Arias said that memorials are being duplicated at an alarming rate also. He also said that the big problem with getting a bill introduction limit imposed in the past has been that rural districts tend to need more bills because of the diversity of the population and many governmental entities needing something. Mr. Coll said that allowing unlimited prefilings would take care of that problem.

Mr. Arias said that although the House has had a prefilings rule on the books for years, it was only used one year and then abandoned. He recalls that prefilings gave opponents of certain bills time to organize their opposition. However, he also said that prefilings could increase the discourse of bills, which is important.

Mr. Williams said that there needs to be a mechanism to give credit to legislators but not have every legislator sponsor a bill for every program out there.

Representative Wirth said that lobbyists believe it is very important to have duplicate bills, in order to increase the likelihood of their passage.

Representative Arnold-Jones suggested that, in addition to co-sponsoring bills, which today essentially means very little, except for credit, the legislature should allow actual dual sponsorship, in which each sponsor does the necessary work to get the bill passed. That would mean that there could be more than one primary sponsor of a bill.

Mr. Olson asked if there are any logistical issues that need to be resolved regarding prefilng. Mr. Arias and Ms. Naranjo replied that there were none. Mr. Olson asked that if there were more use of prefilng, would there be sufficient time for bill analysis? Mr. Arias replied that bill analysts would need to be hired one month early. Mr. Arias also said that it may not be clear where bills actually will be referred once the legislature convenes, and in the House, that responsibility lies exclusively with the speaker.

Mr. Lewis said that agencies would need to get their fiscal impact reports done earlier also.

Mr. Williams said that prefilng, coupled with bill introduction limits and a shorter introduction period, will make everyone get their work done earlier and will negate the need to adopt a stricter rule against duplicate legislation.

Senator Ortiz y Pino said that separating calendar days from legislative days could also reduce the burden of hiring session staff early. Mr. Coll said that extended sessions would also disable one person from filibustering at the end of session. He requested staff to review the *Dillon* case, in which the New Mexico Supreme Court cautioned the legislature against separating legislative days from calendar days.

Representative Larrañaga said that he supports unlimited prefilng of legislation, a bill introduction limit and a shortened introduction period. He is possibly in favor of restricting the use of memorials, as well.

Mr. Lewis asked if the House would have any problem expanding its prefilng rule to be more like the Senate's. Mr. Arias said that he has no problem with it, but that decision needs to be made by the members of the House, not by him. He said that prefilng and bill introduction limits could reduce printing costs, which he estimated for the recent session to be \$1 million for the House and Senate and the three legislative agencies. He also said that the House no longer has enough room for its staff.

Representative Larrañaga asked that the chief clerks' offices research other chief clerks' prefilng methods. Mr. Arias said that the National Chief Clerks Association will discuss that topic at its annual meeting this year.

The task force directed LCS staff to develop legislation to make the House and Senate prefiling rules essentially the same. The task force also directed staff to develop a procedure to educate session staff and legislators about joint sponsorship of legislation.

Staff Recruitment and Training

Mr. Arias described the development over the past 10 years in the House of its training programs for session staff. He says that in the past, there would be very few returning employees to work another session. Now, with employee training and attempts at addressing job-satisfaction issues, the House retains between 35-40 percent of employees from year to year. But the main problem with employees returning each year, he said, is pay. House and Senate employees do not get overtime, even though they may end up working extraordinary hours. Permanent employees get some compensatory time, but not nearly equal to the time they actually worked.

Representative Begaye added that it is not just staff who are being deprived of fair compensation. He said that although the legislature was in session for 11 days during the most recent special session, members were only paid for six days. He said he spent \$2,800 on living expenses during that time, but only received \$1,075 as per diem.

Mr. Williams asked if state legislatures are exempt from the provisions of the federal Fair Labor Standards Act. Mr. Yaeger replied that generally, they are exempt, but that there is a provision covering legislative librarians in that act.

Mr. Coll recommended that the legislature adopt federal guidelines on pay. Representative Wirth supported the idea also, but asked that the task force delay its decision until a fiscal impact for that change could be established. The task force directed staff to bring that information to its next meeting, as well as information about what other states do.

There being no further business, the task force adjourned at 12:00 noon.

Revised: May 17, 2007

**TENTATIVE AGENDA
for the
FIFTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**May 17-18, 2007
Room 307, State Capitol
Santa Fe**

Thursday, May 17

- 10:00 a.m. **Call to Order**
—Thomas A. Donnelly and Richard E. Olson, Co-chairs
- 10:15 a.m. **Review of Draft Proposals from Last Meeting**
—John Yaeger, Assistant Director for Legislative Affairs, Legislative Council Service (LCS)
- 10:30 a.m. **Session Time Management Issues Identified by Task Force**
—John Yaeger
- 10:45 a.m. **New Mexico Legislature's Session Schedule and History; Related Cases**
—Paula Tackett, Director, LCS, and Raul E. Burciaga, Assistant Director for Drafting Services, LCS
- 12:00 noon **Lunch**
- 1:30 p.m. **Consideration of Task Force Proposals in Light of Experiences in Other States**
—John Yaeger; Cathy Fernandez, Deputy Director, Legislative Finance Committee; and Brenda Erickson, National Conference of State Legislatures
—Session length issues: separating legislative days from calendar days
—Time management issues: earlier bill introduction deadline; adjust session and committee schedules so most essential functions addressed early; improve scheduling so committee hearings start on time; make every effort to ensure floor sessions start on time; schedule committee hearing days without floor sessions; split sessions for analysis and review time
—Time use issues: reevaluate honoring memorials
- 4:00 p.m. **Recess**

Friday, May 18

9:00 a.m. **Committee Business**
—Application of Fair Labor Standards Act
—Prefiling Mechanics, Experiences and Incentives in Other States
—Task Force Feedback or Direction on May 3-4 Proposals

11:00 a.m. **Adjourn**

MINUTES
of the
FIFTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE

May 17, 2007
Room 307, State Capitol
Santa Fe

The fifth meeting of the Legislative Structure and Process Study Task Force was called to order by Thomas A. Donnelly, co-chair, on May 17, 2007 at 10:25 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Thomas A. Donnelly, Co-Chair
Richard E. Olson, Co-Chair
Rep. Janice E. Arnold-Jones
Rep. Ray Begaye
Max Coll
Linda M. Davis
Charles Dorame
Marie Eaves
Rep. Larry A. Larrañaga
Willard Lewis
Sen. Gerald Ortiz y Pino
Sen. Nancy Rodriguez
Rep. Henry Kiki Saavedra
Rep. Thomas C. Taylor
Anthony Williams

Absent

Sen. Mark Boitano
William R. Humphries
Tommy Jewell
Judy K. Jones
David McCumber
Brian McDonald
Sen. Cynthia Nava
Sen. Steven P. Neville
Sen. William H. Payne
Murray Ryan
Rep. Peter Wirth

Advisory Members

Kim Seckler

Rep. Donald E. Bratton
Sen. Stuart Ingle
Marilyn O'Leary

Staff

Raúl E. Burciaga, Assistant Director for Drafting Services, Legislative Council Service (LCS)
Cathy T. Fernandez, Deputy Director, Legislative Finance Committee (LFC)
Ric Gaudet, LCS
Paula Tackett, Director, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of handouts given by meeting presenters are in the meeting file.

Co-Chair Olson informed the task force that Bill King had been appointed by the Legislative Council to serve as a voting member to replace Chris Garcia.

Review of Draft Proposals from May 3-4, 2007 Meeting

Mr. Yaeger presented six draft proposals to the task force that were requested at the previous meeting. The proposals include:

1. House and Senate rules to make the prefiling process substantially the same in both chambers, including a new provision for the Senate to give prefiled bills priority in the standing committees to be heard.

2. House and Senate rules to limit the number of bills a member may introduce during the session. Exceptions are allowed for prefiled bills, interim-committee-endorsed bills and bill allotments that were transferred from another member. The actual number of bills a member may introduce is still a matter of consideration.

3. House and Senate rules to provide that after a committee has tabled a bill or resolution for five days, a Do Not Pass committee report is generated and sent to the floor. Bills and resolutions in the Senate Finance Committee, House Appropriations and Finance Committee (HAFC) and House Taxation and Revenue Committee (HTRC) are excluded from the rule.

4. House and Senate rules changes to allow co-sponsorship by members of the same chamber of bills, resolutions and memorials by the member filing notice with the chief clerk prior to third reading in that chamber.

5. A joint rule to prohibit the LCS from drafting a memorial that requests state departments, institutions or agencies to act.

6. A bill to reduce the bill introduction period to one-third of the session length, reduced from the current one-half length limitation.

Item 5 generated discussion by the task force. Mr. Coll said that the rule as drafted does not prohibit asking local governments to act. Senator Rodriguez suggested that the rule be drafted to list the specific purposes for which memorials can be drafted, which would exclude everything else.

Ms. Tackett said that the use of memorials increased several years ago, when there was very little money for the state to spend, so the legislature started asking agencies to study something instead of appropriating money for a study or action.

Senator Rodriguez cautioned against a complete ban on agency-study memorials, and described how a memorial she ushered through about American Sign Language actually changed

the way the language is taught in public schools. She said that a bill probably would not have passed that year, which would have meant that the issue would still be a problem.

New Mexico Legislature's Session Schedule and History; Related Cases

Mr. Burciaga reviewed the 1974 New Mexico Supreme Court case *Dillon v. King*, in which the court warned the legislature that legislation passed after the 60-day or 30-day calendar limitation on the session would be invalid. The court said that if such a case were heard, it would rule that such legislation would be void. The time limitation set forth for legislative sessions in Article 4, Section 5 of the Constitution of New Mexico is to be computed in calendar days, and not legislative days.

Ms. Tackett gave a brief history of legislative session length in New Mexico. From 1912 until 1941, New Mexico had 60-day sessions every odd year. In the 1940s, the state experimented with split sessions. After a few years, the feeling in the legislature was that the recess did not help the process much, and the legislature proposed a constitutional amendment dividing the split session differently, so the second portion was longer than the first. Voters rejected that change, however, and ultimately the constitution was changed to its current structure of 60-day and 30-day sessions in alternating years.

Senator Ortiz y Pino asked why the legislature needs to roll the clock. Ms. Tackett said that the constitution requires that legislation be introduced and voted upon on different days. So, rolling the clock is a legal fiction that most state legislatures use to quickly pass bills, especially near the end of the session.

Mr. Williams suggested that the prohibition against same-day passage of legislation hearkens back to the time when the technology to print bills was much slower than it is today.

Mr. Coll suggested cleaning up antiquated constitutional sections. He also said that maybe the constitution could be revised just to say that a bill cannot pass both houses in the same day, but the other out-of-date and burdensome language could be eliminated.

Ms. Tackett then described what happens during a typical 60-day session, and where time problems seem to occur. She said that the floor and committee schedules are already difficult to maintain, but when leadership meetings, caucuses, breakfast meetings and evening social events are thrown into the mix, it becomes inevitable that delays occur as the session progresses. She said that those types of events also need to be part of the overall scheduling process.

Senator Ortiz y Pino said that last year, the number of messages from the governor overwhelmed the legislature with extra work.

Representative Larrañaga asked about the history of New Mexico's split budget process. Ms. Tackett said that in the 1980s, the budget process was split up between education and the rest of state government. Mr. Coll said that the capital outlay process was taken away from HAFC and moved to HTRC in order to mollify some disgruntled House members, but that it further fragmented the budget process.

Ms. Tackett suggested another idea to improve the legislative process, which many other states use. Bills that have not made it through the process one year could be held over until the next year, in the same place that they were when the session ended. Mr. Olson thought that, since many bills are introduced with no intention of their passage being pushed, each chamber would need to specify which bills it wants to continue the following year. Representative Larrañaga asked how this change would fit into the current 30-day and 60-day structure. Ms. Tackett said that either the constitution would have to be amended, or that some bills would not fall within the scope of the 30-day session.

Senator Ortiz y Pino said that he favors having two 60-day sessions with unlimited scope. He also suggested giving certain committees a target budget figure to work with, and those committees could recommend funding priorities within that number.

Representative Taylor agreed with the committee budget idea, and said that the budget problem also extends to HTRC, which does not know what to do with all of its tax bills until a budget is worked out. Mr. Coll said that HAFC used to give dollar figures to committee chairs.

The task force recessed for lunch until 1:50 p.m.

Consideration of Task Force Proposals

Mr. Yaeger, Ms. Fernandez and Brenda Erickson, National Conference of State Legislatures (NCSL), led the task force discussion of the various proposals it had identified regarding session time issues.

Separating Legislative Days from Calendar Days

Representative Taylor asked if most legislatures take weekends off. Ms. Erickson said that most do, especially during the first part of the session. She said that some legislatures can extend the session for up to 30 extra days by extraordinary vote. Representative Taylor said that with New Mexico's unsalaried legislature, it would be very difficult for members to reschedule their professional lives around a longer session or around a session with an uncertain adjournment date.

Ms. Erickson said that all legislatures face end-of-session logjams, no matter how long their sessions last. She also said that the average length of time that part-time legislatures meet is 120 days. Mr. Williams said that until committees actually deliberate bills, adding days to the session will not help anything.

Senator Ortiz y Pino suggested including "working days" with "calendar days", so that the legislature could exclude weekends and holidays from its time limit.

Mr. Coll said that more important than extending the session is the need for committees to deliberate and reject bad bills.

Representative Taylor said that since there is not enough time now for the legislature to deliberate issues, there certainly is not any time for the legislature to involve the public. He

proposed having at least two to three days off periodically, so legislators can go home and get input from the public.

Mr. Olson said that including some days just for committee hearings and some days to gather public input necessitates some extension of the current session length.

Mr. Lewis said that 30-day sessions are clearly not working. He proposed that the task force adopt a recommendation to extend the current 30-day session to 60 days, with a maximum of 45 days in which floor sessions can occur. The current 60-day session should be extended to 90 days, with 60 days of floor sessions allowed. No consensus was reached on the actual time periods, but staff was instructed to draft legislation that would serve as a starting point for discussion on that concept.

Representative Arnold-Jones said she likes the idea of taking a break from floor sessions after the bill introduction deadline. She said that period could be used for ceremonial events.

Representative Larrañaga said that if the legislative session is extended, then New Mexico will cease to have a "citizen" legislature.

Mr. Coll suggested swearing in the legislature in December, and electing leadership then. That way, committees can be appointed, and could start hearing prefiled bills early. He also endorsed Mr. Lewis' proposal of extending the sessions with working day limits. He said that prefiling and bill introduction limits are essential also.

Representative Saavedra said that he wished journalists would attend interim and standing committee meetings, which would improve attendance and behavior of legislators during those meetings. He said that legislators should not come to committee meetings for merely 15 minutes, and then claim their per diem. Having a journalist in the room would quickly put a stop to that practice, he said.

Time Management Issues

Mr. Olson asked whether other state legislatures have good methods of managing their time. Ms. Erickson said that some states issue pagers to members, so they can be informed quickly if their presence is needed in committee. Some states also meet in floor session on Monday and Thursday only, which allows for committees to meet the other days, and it avoids the three-day recess without permission prohibition that many states have.

Representative Arnold-Jones asked whether states that have multiple deadlines built in find that to be helpful or burdensome. Ms. Erickson said that those states are used to those deadlines, and it becomes part of the institutional structure of the legislature.

Mr. Coll said he wants the legislature to have crossover deadlines, which require a bill to be out of its house of origin by a certain date.

Ms. Fernandez spoke briefly about Legislative Joint Rule 9-1, which provides time lines for the legislature to act upon the general appropriation bill. She said that in 2007, the legislature met the deadlines, and got the bill to the governor in time to require his action within three days.

Staff was directed to come up with proposals for a crossover legislation deadline, and to develop a plan to distribute pagers to legislators.

Re-evaluate Honoring Memorials

Mr. Yaeger reviewed Legislative Joint Rule 6-1, which prohibits memorials being used for honoring purposes. He said that although that rule is in place, it is regularly violated.

Mr. Olson suggested setting aside ceremonial days in which the legislature can honor individuals or groups. Representative Saavedra said that there is no time at all for ceremonial days during the 30-day session. Currently, entire days are spent in ceremonial purposes, and precious floor time is wasted. Ms. Erickson said that some states do not allow groups onto the floor, but just acknowledge them on the chamber billboard.

A discussion ensued about the time spent introducing pages during floor sessions. Representative Arnold-Jones suggested that page introductions not be allowed during the last days of a session. Staff was instructed to develop a proposed rule for page introductions.

Senator Ortiz y Pino said he supports limiting the number of memorials that may be introduced.

Committee Business

July Meeting

Representative Saavedra moved that a letter be written to the LFC, asking it to change its July meeting date, so members could attend the task force meeting. Representative Arnold-Jones seconded the motion, and it passed unanimously.

Application of the Fair Labor Standards Act (FSLA)

The task force was presented with a copy of an NCSL report on legislative pay. Mr. Yaeger reported that in New Mexico, House and Senate employees get paid straight time, but usually not overtime.

The task force asked staff to estimate the cost of paying session staff time-and-a-half for overtime.

Prefiling Methods in Other States

Mr. Yaeger presented research done by LCS staff investigating other states' use of prefiling and staff opinion of its use.

The minutes of the May 3-4 task force meeting were approved.

Having no further business, the task force adjourned at 3:50 p.m.

TENTATIVE AGENDA
for the
SIXTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE

June 15, 2007
Room 307, State Capitol
Santa Fe

Friday, June 15

- 10:00 a.m. **Call to Order**
—Co-chairs Thomas A. Donnelly and Richard E. Olson
- 10:15 a.m. **Committee Business**
—Raúl E. Burciaga, Assistant Director for Drafting Services, Legislative Council Service (LCS), and Evan Blackstone, Staff Attorney, LCS
—Review of Draft Proposals
—Fair Labor Standards Act Follow-up
- 11:00 a.m. **Interim Committee Structure in New Mexico**
—Raúl E. Burciaga
- 12:00 noon **Lunch**
- 1:30 p.m. **Consideration of Task Force Proposals**
—Raúl E. Burciaga
—Consolidate the functions of interim committees, thus reducing their size and number, and avoiding duplication

—Make Senate and House interim committee membership proportionate to Senate and House size, provided a majority of the members of one house may block a proposition

—Revise the interim committee process so that interim committee membership more closely matches standing committee membership

—Require a specific amount of attendance at an interim committee to collect per diem
- 4:00 p.m. **Adjourn**

**MINUTES
of the
SIXTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**June 15, 2007
Room 307, State Capitol
Santa Fe**

The sixth meeting of the Legislative Structure and Process Study Task Force was called to order by Thomas A. Donnelly, co-chair, on June 15, 2007 at 10:10 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Thomas A. Donnelly, Co-Chair
Richard E. Olson, Co-Chair
Rep. Janice E. Arnold-Jones
Rep. Ray Begaye
Sen. Mark Boitano
Max Coll
Linda M. Davis
Marie Eaves
William H. Humphries
Bill King
Rep. Larry A. Larrañaga
Willard Lewis
Sen. Gerald Ortiz y Pino
Sen. William H. Payne
Sen. Nancy Rodriguez
Anthony Williams
Rep. Peter Wirth

Advisory Members

Kim Seckler

Staff

Evan Blackstone, Legislative Council Service (LCS)
Raúl E. Burciaga, Assistant Director for Drafting Services, LCS
Cathy T. Fernandez, Deputy Director, Legislative Finance Committee (LFC)
Ric Gaudet, LCS

Guests

The guest list is in the meeting file.

Absent

Charles Dorame
Tommy Jewell
Judy K. Jones
David McCumber
Brian McDonald
Sen. Cynthia Nava
Sen. Steven P. Neville
Murray Ryan
Rep. Henry Kiki Saavedra
Rep. Thomas C. Taylor

Rep. Donald E. Bratton
Sen. Stuart Ingle
Marilyn O'Leary

Handouts

Copies of handouts given by meeting presenters are in the meeting file.

Friday, June 15

Committee Business

Review of Draft Proposals

Mr. Burciaga and Mr. Blackstone reviewed several of the proposals generated by the task force at its May 17 meeting. The proposals include:

- 1) House and Senate rules to require that memorials be introduced on or before the thirtieth day in a 60-day session and the twentieth day during a 30-day session;
- 2) a joint rule to adjust the bill and memorial drafting request deadlines;
- 3) a joint rule to provide for a twenty-eighth-day and fifty-eighth-day crossover deadline for bills passing their house of introduction;
- 4) a joint rule to provide a house of origin crossover deadline and a second house deadline, leaving the last full day of the legislature to focus only on conference committees and concurrence;
- 5) a joint rule to provide for a three-day recess in a 30-day session and a six-day recess in a 60-day session immediately following the introduction deadline; committees would still meet as necessary;
- 6) House and Senate rules to prohibit performances on the floor and the introduction of guests during the last two weeks of a session;
- 7) a joint resolution to amend the constitution to allow 60 legislative days during a 75-day period in odd-numbered years and 30 legislative days during a 45-day period in even-numbered years; and
- 8) a joint resolution to amend the constitution to provide for a three-day organizational session of the legislature in January before the regular session.

The list of draft proposals also included all the proposals discussed at previous meetings, including proposals related to prefiling, legislation limitations, cosponsoring, memorial usage, tabling motions in committee and earlier bill introduction deadlines.

Mr. Coll said that the prefiling rules might conflict with the ability of new members of the legislature to prefile legislation, since they are not officially in the legislature until January.

Senator Ortiz y Pino asked why the crossover deadline rules had exceptions for the governor. Mr. Burciaga said that state law provides for the governor to introduce legislation at any time during the legislative session.

Senator Payne said that the rule providing for a "Do Not Pass" committee report after five days on a committee's table could lead to mischief. Mr. Coll said that although that rule may not be the best way to kill bills, bad bills need to be killed in committee. Mr. Williams agreed, saying constituent groups that currently stick around until the end of session hoping to get their bills "off the table" would be better served by learning that their particular bill is dead for the session, and to try again the following year.

Mr. Coll mentioned that he believes the yearly special appropriations bill, commonly known as "House Bill 2, Jr.", is unconstitutional. He said that Article 4, Section 16 of the Constitution of New Mexico either should be amended to allow for those bills, or that section should be enforced.

Mr. Olson asked, referencing the three- and six-day recess rule, whether Article 4, Section 14 of the Constitution of New Mexico would need to be amended to provide for longer adjournment periods. Mr. Blackstone said that section would not need to be amended, since the joint rule providing for the legislative recess would be construed as each body giving permission to the other to adjourn for several days.

Representative Wirth said that the joint resolution providing for holding the session over more calendar days essentially already happens, since the House Appropriations and Finance Committee and other committees begin their work in advance of a 30-day session. He said that the most important issue for him is passage of a bill introduction limit, which would alleviate the overload in many other areas.

Senator Ortiz y Pino said that with unlimited prefiling of bills, the legislature might still be overwhelmed with work. Mr. Coll said that there could be a limit on how many bills can be prefiled.

The minutes of the May 17, 2007 meeting of the task force were approved.

Fair Labor Standards Act (FLSA) Follow-up

Mr. Burciaga reported to the task force the cost estimates of paying legislative session employees overtime. A 30-day session would cost approximately \$600,000 extra, and a 60-day session would cost approximately \$800,000 extra. He said that this estimate does not take into consideration the probable management changes that would take place to mitigate overtime pay, such as reducing the number of hours that employees work.

Mr. Coll moved to apply the FLSA to legislative session employees regarding overtime pay, which Representative Begaye seconded. This led to a lively discussion among the task force.

Mr. Lewis said that although he generally supports this change, he first wants a study performed of the classification of employees in comparison to other state employees. Mr. Williams said he is in favor of the change, and added that paying overtime will allow for the better management of employees.

Senator Payne said that there are many patronage jobs in the legislature, in which there are several people doing a job that could be performed by one person. The legislature will need to look very closely at some of those jobs, he said.

Representative Larrañaga said that he does not think the task force should even be considering this subject, and it is not part of its charge given to it by the Legislative Council.

The motion failed, and a new motion was made by Mr. Lewis to ask the Legislative Council to evaluate the appropriateness of applying the FLSA regarding overtime pay, including its financial impact, and to ask the LFC to study the issue also. That motion was adopted, and staff was directed to draft a letter to the Legislative Council.

Continuation of Review of Draft Proposals

Mr. Olson asked about the organizational session resolution. He wanted to know how long an organizational session would actually take. Mr. Burciaga said that three days would be more than enough time to elect leadership and appoint committees. The issues of whether bills could be introduced and whether a bill to pay for the costs of the organizational session would be adopted are still unclear.

Representative Larrañaga said that legislators should be limited in how many bills they may prefile, in addition to the session limit. Senator Payne said that adopting a rule to limit bill introductions is pointless, because the rule will not be enforced. He said the only way to make those reforms work is to amend the constitution.

Senator Ortiz y Pino said that rather than having a separate number of bills, resolutions and memorials that a legislator may introduce, he favors having a single number of pieces of legislation allowed.

Representative Begaye said that allowing unlimited prefilings will just shift the burden of work to before the session.

Ms. Eaves said that there needs to be some incentive for legislators to prefile their bills.

Mr. Burciaga said that there has been some discussion of handling special appropriations in a similar way that capital outlay projects are handled. This reform probably would reduce the number of bills introduced.

Mr. Coll said that the legislature should require that all capital outlay projects and special appropriations be prefiled.

Representative Wirth said that he is in favor of that change, but cautioned that getting all of his projects and appropriations prioritized before session is an immense amount of work. He said that he also likes the idea of limiting special appropriations to one omnibus bill per legislator, which is how the capital outlay process works.

Representative Begaye asked staff to consider putting a special appropriations form on the legislature's web page, so people can easily put in their requests.

The task force recessed for lunch until 1:30 p.m.

Interim Committee Structure and Consideration of Task Force Proposals

Mr. Burciaga discussed interim committees in New Mexico. He described the different types of interim committees, as well as how they are created. Membership on interim committees has grown such that it has become very difficult to schedule meetings in which conflicts are minimized. He said that, in 1986, the average number of interim committees legislators served on was just one. In 2006, representatives served on an average of four interim committees, and senators served on six. This number includes advisory member positions. In 2006, there were more than 20 active interim committees, 17 of which had 10 or more members.

Advisory committee representation has also grown tremendously. In 1986, there were a total of 21 advisory member positions. In 2006, there were 175.

Mr. Burciaga then outlined the four main ideas to reform the interim committee process generated by the task force at its October 2006 meeting. They include:

- 1) consolidating the functions of interim committees, thus reducing their size and number, and avoiding duplication;
- 2) making Senate and House interim committee membership proportionate to Senate and House size, provided a majority of the members of one house may block a proposition;
- 3) revising the interim committee process so that interim committee membership more closely matches standing committee membership; and
- 4) requiring a specific amount of attendance at an interim committee to collect per diem.

Mr. Burciaga mentioned that the idea of matching interim committees more closely with standing committees, which the task force had recommended that the Legislative Council adopt as a trial this year, failed to receive majority support of the council. He also said that the council has discussed the per diem issue, but has not come to any decision yet.

Mr. Olson asked when advisory membership on interim committees started to become such a factor, and asked how other states deal with advisory membership. Mr. Burciaga said that it has just been in the past 10 to 15 years that advisory members have been appointed to committees in large numbers. He said that LCS staff would investigate other states' policies regarding interim committees and report back to the task force at its next meeting.

Mr. Coll suggested that the Legislative Council adopt a rule that limits the number of days that legislators can be paid for attendance at meetings as advisory members. Mr. Burciaga said that the council has discussed a proposal that would reduce advisory committee membership, but would allow a certain number of meetings a legislator could choose to attend.

Representative Begaye said that about one-half of the membership of interim committees rarely show up to meetings, and there needs to be a way of removing those members. Mr. Burciaga said that committee chairs can recommend to the Legislative Council that members be dropped from a committee due to lack of attendance at meetings, but that chairs seldom make such recommendations.

Mr. Olson said that he supports providing a per diem budget for legislators to attend a certain number of meetings, and also supports trying to align standing committee membership with interim committee membership.

Ms. Eaves said that in the past, members needed to earn a spot on certain committees. Now, she said, interim membership is a joke and is a disservice to the state.

Mr. King asked if the LCS keeps track of the enactment rate of interim-committee-sponsored bills. Mr. Burciaga said staff could easily do such a study.

Senator Boitano said that interim committees serve an important role as educational and policy development tools, but there are other equally important venues he attends, for which, unfortunately, he does not get compensated. Meeting with constituent groups is very important, but he has to do so at his own expense. He suggested that legislators be paid for attending other sorts of educational activities.

Mr. Williams said that according to the 2007 interim committee appointment list, there are 620 interim committee positions for only 112 legislators. Simple math dictates that for the interim committee season (six months) and the number of times interim committees meet (five or six) means that there is a limit to how many committees there can be and how many members can be appointed. He suggested cutting back the number of committees and consolidating their functions.

Representative Arnold-Jones suggested that interim committees should only deliberate legislation that will be prefiled.

Senator Payne said that it is the legislators themselves that keep pushing for more interim committees and appointments. He does not recall ever hearing about a public groundswell demanding more interim committees. He said that once the per diem rate for legislators was increased by a recent constitutional amendment, there was a corresponding spike in interim committee membership.

Mr. Olson proposed that all advisory memberships on committees be eliminated, and proposed that legislators be given an allotment each year to attend meetings of their choice. The task force directed staff to draft such a proposal. He also proposed that many interim committees be eliminated, and that standing committee membership be aligned with interim committee membership.

Senator Rodriguez cautioned against making such a decision now without considering all

of its ramifications. She asked that staff research which committees could be eliminated and consolidated.

There being no further business, the meeting adjourned at 3:20 p.m.

**TENTATIVE AGENDA
for the
SEVENTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**July 23-24, 2007
Room 307, State Capitol
Santa Fe**

Monday, July 23

- 10:00 a.m. **Call to Order**
—Co-Chairs Thomas A. Donnelly and Richard E. Olson
- 10:15 a.m. **Committee Business**
—John Yaeger, Assistant Director for Legislative Affairs, Legislative Council Service (LCS)
—Review of Draft Proposals
—Review of Letter to Legislative Council
- 10:45 a.m. **Legislative Override of Vetoes: Background and Consideration of Options**
—Paula Tackett, Director, LCS
—History of Overrides in New Mexico and Experiences in Other States
—Options: Override Sessions vs. Earlier Passage
- 12:00 noon **Lunch**
- 1:30 p.m. **Redistricting Reforms to Maximize Competitive Districts**
—Brian Sanderoff, President, Research and Polling, Inc.
- 3:00 p.m. **Background and Consideration of Four-Year House Terms and Staggered Terms**
—Raúl E. Burciaga, Assistant Director for Drafting Services, LCS
—Stability and Institutional Memory; New Mexico Turnover
—Impact on Redistricting
—Experiences in Other States
- 3:30 p.m. **Background and Consideration of New Member Orientation Reforms**
—John Yaeger, Assistant Director for Legislative Affairs, LCS
—Length and Content of New Mexico Orientations and Other States
—Payment of Per Diem Issue
- 4:00 p.m. **Recess**

Tuesday, July 24

- 9:00 a.m. **Legislative-Executive Relations: Subpoena Powers**
—Paula Tackett, Director, LCS
—David Abbey, Director, Legislative Finance Committee (LFC)
—Existing Subpoena Powers: Standing Committees with Chamber
 Approval, LFC; Use of Subpoena in New Mexico
—Other State Legislatures' Authorities
—Strengthening New Mexico's Authority
- 9:45 a.m. **Performance Auditing and Legislative Oversight**
—David Abbey, Director, LFC
—Manu Patel, Deputy Director, LFC
—Performance Auditing Function of the LFC
—Consideration of Statutory Authority
—Paula Tackett, Director, LCS
—Strengthening the Oversight Roles of Other Interim Committees
- 10:30 a.m. **Legislative-Executive Relations: Budget Deadlines and Agency Cooperation**
—Cathy T. Fernandez, Deputy Director, LFC
—Meaningful Compliance with Budget Deadlines
—Executive and Legislative Initiatives That Do Not Go Through Budget
 Process
—Renee Gregorio, Researcher, LCS
—Capital Request Submission Deadlines and Experience
- 12:00 noon **Adjourn**

**MINUTES
of the
SEVENTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**July 23-24, 2007
Room 307, State Capitol
Santa Fe**

The seventh meeting of the Legislative Structure and Process Study Task Force was called to order by Richard E. Olson, co-chair, on July 23, 2007 at 10:20 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Thomas A. Donnelly, Co-Chair (July 24)
Richard E. Olson, Co-Chair
Rep. Janice E. Arnold-Jones
Rep. Ray Begaye
Max Coll
Linda M. Davis
Marie Eaves (July 23)
William H. Humphries
Bill King
Rep. Larry A. Larrañaga
Willard Lewis
Sen. Steven P. Neville
Sen. Gerald Ortiz y Pino
Sen. Nancy Rodriguez
Rep. Thomas C. Taylor
Anthony Williams
Rep. Peter Wirth

Absent

Sen. Mark Boitano
Charles Dorame
Tommy Jewell
Judy K. Jones
David McCumber
Brian McDonald
Sen. Cynthia Nava
Sen. William H. Payne
Murray Ryan
Rep. Henry Kiki Saavedra

Advisory Members

Rep. Donald E. Bratton
Sen. Stuart Ingle (July 24)

Marilyn O'Leary
Kim Seckler

(Attendance dates for members attending part of the meeting are shown in parentheses.)

Senators Ben D. Altamirano and Linda M. Lopez also attended the task force meeting.

Staff

David Abbey, Director, Legislative Finance Committee (LFC)
Raúl E. Burciaga, Assistant Director for Drafting Services, Legislative Council Service (LCS)

Cathy T. Fernandez, Deputy Director, LFC
Renée Gregorio, LCS
Ric Gaudet, LCS
Manu Patel, Deputy Director, LFC
Paula Tackett, Director, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of handouts given by meeting presenters are in the meeting file.

Monday, July 23

Committee Business

Review of Draft Proposals

Mr. Yaeger reviewed for the task force a proposal that would eliminate all advisory members of interim committees, except for those members appointed as voting members on the Legislative Council. He said that is how the interim worked 20 years ago. He clarified that members of the Legislative Council are prohibited from serving as voting members of any other council-appointed or council-created committee, so members of the council began serving as advisory members during the 1980s. However, since then, advisory membership on interim committees has expanded tremendously.

Senator Ortiz y Pino asked what is the problem that this proposal will solve. Mr. Yaeger said that most members are spread too thin in their interim schedule, and that the number of members on committees has become nearly unmanageable. Senator Neville agreed, saying that most minority members of the Senate serve on six to nine interim committees.

Senator Altamirano said that with 42 members and more than 20 interim committees, the Senate has a hard time filling all those positions. He said that another problem is that members come to interim committees and then leave shortly after arriving; that issue makes legislative leadership very uncomfortable. He also spoke in favor of cutting down advisory membership on interim committees.

Mr. Coll said that all advisory memberships on interim committees should be abolished, and that members should be allotted a certain number of meeting days they can attend during each interim as temporary advisory members.

Senator Altamirano said that the Legislative Council recently adopted a policy to allow members to attend four meetings of their choice as a pilot program. Mr. Williams commented that allowing legislators to attend extra meetings without reducing advisory memberships actually compounds the problem.

Representative Arnold-Jones said that it would be beneficial to consolidate some committees, since they have overlapping jurisdiction.

Mr. Olson asked what was the fate of the task force proposal to the council to align membership of the standing judiciary committees with the interim courts committee. Mr. Yaeger said that the council rejected the idea. He also said that staff will present some possible adjustments to the current interim committee structure for the task force to consider at its next meeting.

Review of Letter to Legislative Council

Mr. Yaeger presented a draft letter to the Legislative Council that leaves to the council the questions overtime pay for and background investigations of session employees. The task force had identified these issues previously, but felt that it was outside its purview to explore the issues further. The task force directed staff to send the letter to the council.

The minutes of the June 15, 2007 meeting of the task force were approved.

Legislative Override of Vetoes: Background and Consideration of Options

Ms. Tackett described for the task force the history and process of legislative veto overrides. She began by reviewing the governor's veto power. She indicated that the governor has the ability to veto, pocket veto or partially veto language in any bill that contains an appropriation. The legislature can override vetoes during the same or next regular session of a given legislature. Thus, attempts to override partial vetoes in appropriations bills have been seen as pointless, since the money has usually been spent or committed by the time the legislature meets to address the issue.

There have been many attempts to override vetoes, but few have actually succeeded. Ms. Tackett described most of the veto overrides in New Mexico history that occurred in 2002, 1999, 1959, 1931 and 1915. One notable example was the legislature's override of a bill relating to developmentally disabled persons during a special session in 1999. Normally, veto overrides are not allowed in special sessions, but since the governor had included in his proclamation calling the special session the issue of developmental disabilities, the legislature decided that overriding a developmental-disabilities-related bill was within the purview of that particular session.

Ms. Tackett stated that most state legislatures override vetoes rarely. Most states require some sort of super-majority. New Mexico requires two-thirds of the members present to override a veto. Some states have veto-override sessions shortly after the end of a regular session. She mentioned Louisiana, which has an automatic override session after any veto, unless the majority of either house states in writing not to convene the session.

Ms. Tackett then presented a few options for the task force to consider, including:

- 1) convening automatic veto-override sessions;
- 2) extending the amount of time the governor has to sign or veto legislation;
- 3) allowing veto overrides during special sessions; and
- 4) modifying the governor's line-item veto powers.

Representative Larrañaga asked whether a veto that changes the focus of an appropriation is still valid. Ms. Tackett responded that it depends on how it is done. She said that courts have ruled that if the governor vetoes language from a program, the money appropriated is still there, but the language is not. The executive can then use that money for something else within the scope of the particular appropriation. She reiterated that the power of a partial veto is the power to destroy, not to create. She mentioned a situation in which the governor creatively crossed out some language, the net result being that the Department of Transportation received certain funding for two extra years without having to comply with the reporting requirements intended by the legislature to be a condition precedent to the subsequent years' appropriations.

Representative Larrañaga said that, in most cases, the only remedy is a lawsuit, since waiting one year to override a veto means the money is already spent. Ms. Tackett said that a veto-override session could make overrides more practical. She also said that if a legislator decides to sue the governor over an improper partial veto, the state does not pay for that lawsuit, the legislator does.

Mr. Olson asked whether the legislature is able to override partial vetoes. Ms. Tackett said that it does have that power, but she cannot recall if it has ever happened.

Mr. Williams asked if proposed changes to veto provisions in the constitution have ever been presented to the voters. Ms. Tackett responded that she did not recall any such proposed change, except to change the amount of time the governor has to sign legislation.

Representative Wirth said one of the governor's recent "creative" vetoes brings up a significant problem that cannot be resolved under the current structure of legislative-executive power. The three degree-granting higher educational institutions benefitted significantly from a particular veto, and it would be nearly impossible for the legislature to override a veto that helped such powerful and influential institutions. The other option, suing the governor for abuse of his veto power, is equally difficult, since any legislator suing would have to cover the costs of litigation without any public money. He also said that while the universities benefitted, Santa Fe Community College and the New Mexico School for the Deaf took a huge financial hit.

Mr. Coll suggested that veto-override sessions be instituted, and recommended that the veto power of the governor found in Article 4, Section 22 of the Constitution of New Mexico be changed to assert that the "veto power is only the power to destroy legislation", and that the governor can only line-item veto dollars, and not language.

Representative Taylor suggested that all special appropriations be put into a separate HB 2, Jr., bill, and that the process become transparent.

Representative Bratton said that, in recent years, the governor has directed state agencies to submit flat budgets, so as to appear fiscally prudent. In fact, agencies generally end up getting their expansion requests put into HB 2, Jr. He said that the legislature should not provide recurring funding to agencies unless they put that funding into their budgets. He also said he favors having a veto-override session that is triggered by any veto. Additionally, veto-overrides should be affirmatively allowed in all special sessions.

Senator Neville said he likes the idea of veto-override sessions. He asked what limitations there are on the governor's line-item veto. Ms. Tackett said that the governor may only line-item veto if there are appropriations in a bill. The governor can veto any language in such a bill.

Representative Arnold-Jones lamented that the checks and balances between the executive and legislative branches have been lost. She asked staff to research the possibility of setting up a legislative legal fund.

Mr. Lewis cautioned against taking away the line-item veto power completely, since it is a very important tool.

Mr. Williams said that having routine veto-override sessions will change the behavior of both the governor and the legislature, as this type of session would probably take care of some of the problems the task force is discussing. He also said that the task force could expect little executive support of any change in the governor's veto power.

Mr. Coll said the task force needs to recommend changes that will benefit both the executive and legislative branches.

The task force directed staff to present draft proposals on a veto override session, allowing veto overrides during special sessions, extending the time the governor has to consider legislation and modifying the governor's line-item veto power.

Redistricting Reforms to Maximize Competitive Districts

Brian Sanderoff, president, Research and Polling, Inc., discussed with the task force recent legislative race competitiveness and possible reforms it could consider. In the 2004 election, 42 House districts were essentially unopposed. Of the total 70 seats in the election, only five races were truly competitive (defined as a margin of victory of less than five percent). In the Senate, 25 of 42 seats went unopposed in 2004, and only one race was truly competitive.

Mr. Sanderoff covered recent legislative redistricting, the most recent of which occurred in 2001. That year, the legislature sent several House redistricting bills to the governor, who kept vetoing them. The issue finally ended up in court, which kept most of the House districts intact, and made a few changes to districts to address the federal Voting Rights Act of 1965 issues.

Mr. Sanderoff said there are several redistricting guidelines legislatures should follow, according to the Voting Rights Act of 1965. These include equal population, minority voting fairness, compactness, contiguity and communities of interest. Mr. Sanderoff noted that, until recently overturned by the United States Supreme Court, states had constructed legislative districts in certain areas mostly based on obtaining minority districts. The court weakened the Voting Rights Act somewhat with this decision, and further allowed that redistricting is an inherently partisan process. States can consider race in redistricting, but they cannot use it as a sole criterion for drawing districts.

Mr. Sanderoff discussed the possible use of redistricting commissions to draw legislative districts. He said that an independent commission might draw boundaries completely different from

what the legislature might do, and competitiveness might increase. However, he said that the geographic composition of the state precludes competitive districts in many areas. He thinks the areas that might benefit most from some sort of "independent" redistricting are Albuquerque and Las Cruces. He also cautioned against the political party in power trying to maximize its strength in its districts. He said that when one district is strengthened for a political party, the adjacent district is often strengthened for the opposing party, making those seats even less competitive.

Senator Ortiz y Pino asked whether New Mexico has ever seriously considered creating a redistricting commission, and asked why the state does not start its redistricting process earlier. Mr. Sanderoff said that he has not seen an attempt to create a redistricting commission since he became involved in the redistricting business in 1981. The problem with starting earlier is that the actual precinct data will not be available until April 2011, just 19 months before the next election in which the districts need to be redrawn.

Senator Altamirano asked whether the state can redistrict along political party lines. Mr. Sanderoff responded that the United States Supreme Court has ruled that political considerations in redistricting are allowed, as long as minority votes are not diluted. Put another way, partisan gerrymandering is more legal than racial gerrymandering, as long as it is not egregious. Senator Altamirano then asked about how important compactness of districts is. Mr. Sanderoff said that compactness is difficult to maintain when redrawing districts. But, he said, New Mexico's districts are very compact compared to other states' districts.

Mr. Williams asked what causes other states to use redistricting commissions. Mr. Sanderoff said that sometimes it is from a voter initiative due to frustration from an unresponsive legislature. Legislators with safe seats tend to be more isolated from their constituents than those in competitive districts. He said that the political party that is not in power usually benefits the most from redistricting reform.

Four-Year House Terms and Staggered Terms

Mr. Burciaga presented information to the task force regarding possible implementation of four-year House terms and staggered terms for legislators. Making terms of representatives extend from two years to four years would be fairly simple, if approved by the voters in a constitutional amendment. If those terms, or those of senators, are staggered, however, the situation gets much more complicated. When district boundaries are redrawn every 10 years, staggered terms of legislators make it difficult to figure out how to deal with the members who are elected for four years but may no longer have a district to represent during the final two years of their term. Some states have dealt with that problem by assigning those legislators to new districts for the remainder of their term, even though they may not reside in that district.

Senator Neville asked what would be the advantage of staggering terms, especially since most races go unopposed. Mr. Burciaga said that proponents of staggered terms argue that institutional stability is improved and that there is merit in ensuring that at least some portion of the body is up for election every two years.

Mr. Lewis asked how many states have four-year House terms. Mr. Burciaga said there are five such states.

New Member Orientation Reforms

Mr. Yaeger reminded the task force that it has previously recommended that new legislative members receive longer orientations, with more substantive training. He reviewed some of the new member orientations given in the past 20 years. He noted that orientations are important, not only for the information received, but for the collegiality that is initiated at those sessions. He mentioned that one problem with lengthening the new member orientations is that those new members are not currently compensated for their time during the orientation.

Mr. Coll said that the legislature could easily make an appropriation for the purpose of compensating new legislators, and the constitution does not need to be amended for that purpose. He said the new members would have to be compensated at the rate set by law for public members attending state meetings, rather than the legislative per diem.

Senator Ortiz y Pino said that if the legislature takes a break early in the session, as discussed in earlier task force meetings, some orientation work could take place during that break period.

Representative Wirth suggested that legislators-elect be allowed to attend interim committee meetings, since that would introduce new members to many issues and future colleagues.

Representative Bratton said that orientation could be given for two days in December and two days in January, just before session.

After more discussion, staff was directed to draft proposals to provide for longer orientations that take place at different times and that include more substantive discussions. Staff was also directed to investigate any possible constitutional constraints regarding compensating legislators-elect before they take office.

The task force recessed at 3:55 p.m.

Tuesday, July 24

_____The task force reconvened at 9:10 a.m.

Legislative-Executive Relations: Subpoena Powers

Ms. Tackett gave a presentation on legislative subpoena powers. She said that although there is no specific vested subpoena power vested in the legislature in the Constitution of New Mexico, there is an implied power. As stated by the Supreme Court of New Mexico, "... deeply rooted in American jurisprudence is the doctrine that state constitutions are not grants of power to the legislative, to the executive and to the judiciary, but are limitations on the powers of each". *State ex rel. Hovey Concrete Products Company, Inc. v. Mechem*. The Supreme Court of New Mexico in one pertinent case assumed that an agency, which would include the legislature, does have such a power, but needs to follow certain guidelines. The court ruled in *State ex rel. Governor's Organized*

Prevention Commission v. Jaramillo that if the body issuing the subpoena is accusatory in nature (e.g., the judiciary), then the body needs to comply with probable cause requirements of the Fourth Amendment to the United States Constitution, but that an investigatory body (in this case the Governor's Organized Crime Prevention Commission) did not need to show probable cause to issue a subpoena. The investigatory body does, however, still need to follow the usual procedural due process safeguards as well as constitutional guarantees of freedom of speech and association and the privilege against self-incrimination. Additionally, the court further stipulated, based on federal case law, that "the inquiry must be within the authority of the agency; the demand must not be too infinite; and the information must be reasonably relevant to the purpose of the investigation".

Ms. Tackett said that the legislature has specific statutory subpoena power during regular and special sessions, and the LFC has subpoena power at any time. She said that the LFC did issue a subpoena once to the former State Highway and Transportation Department for a very limited inquiry. Ms. Tackett cited a report by the National Conference of State Legislatures that said very few states use their subpoena power often.

Mr. Abbey told the task force that the LFC usually gets all the information it needs by just asking for it. Sometimes legislators get frustrated with an agency and demand a subpoena, but the LFC always eventually gets the information it requests. Last year, the LFC came close to issuing a subpoena to the State Personnel Office, but the information it was requesting was eventually received. Mr. Abbey said that the LFC does not use its subpoena power to go on "fishing expeditions". It will only subpoena entities for specific information that is based on a reason to investigate.

Mr. Coll agreed with Mr. Abbey, saying that the threat of a subpoena is more useful than an actual subpoena.

Representative Wirth said that, last year, the interim Courts, Corrections and Justice Committee was very frustrated with some cabinet secretaries, who declined even to show up to its meetings to answer questions. He wondered whether the subpoena power could be given to some interim committees or if the LFC could in some situations subpoena an agency or person on behalf of another interim committee.

Senator Altamirano said that the audit functions of the LFC should be expanded, but the subpoena power should be left as it is. Mr. Coll agreed, and said that the legislature should do the state's audits, rather than letting state agencies hire their own auditors, who tend not to find any problems with their employers.

Mr. Coll said that the legislature needs the practical ability to override vetoes and the ability to subpoena. He favors eventually strengthening the legislature's subpoena powers.

Senator Rodriguez said that an LFC audit is only as good as the information received from the entity. She said that agencies often claim that the information requested is not available. She asked whether the LFC has the power physically to inspect an agency's premises. Mr. Abbey said that if the agency does not cooperate, then it can issue a subpoena, which forces an agency to provide the information.

Representative Bratton said that the governor often vetoes language that requires the executive to provide information to the legislature on the operation of the program it is funding. He said that the legislature has the right to know whether the money it appropriated is being spent appropriately, and asked how the legislature could ensure that it gets the information. Mr. Abbey agreed, but said it is tricky to make an appropriation contingent upon the executive reporting information. He said that if the governor vetoes information language, the LFC usually doubles its efforts to get that information anyway. Ms. Tackett suggested not putting any language into the general appropriation act relating to reporting requirements, but that the LFC should just ask for that information pursuant to its existing statutes.

Performance Auditing and Legislative Oversight

Mr. Patel described for the task force the LFC's performance auditing function. New Mexico is one of 29 states that has an auditing function within the legislature. New Mexico also combines its auditing function into the budgeting process. He described some of the previous audits of state agencies, which resulted in the reorganization of some of those agencies.

Representative Arnold-Jones asked if most agencies cooperate with the audits. Mr. Patel said they usually do, and that they usually appreciate the results of the audit. Sometimes an agency does not know where information is that the LFC is requesting, and the LFC helps the agency organize it. Representative Arnold-Jones said that she has been requesting an information technology (IT) audit of state government for five years, but it has not happened. Mr. Abbey said that the state does not have that information, but the new Department of Information Technology should be able to manage IT better in the future. He agreed that IT resources have not been managed well in the past.

Representative Arnold-Jones asked whether the LFC is able to perform forensic audits. Mr. Patel said if there is suspicion of criminal activity, the LFC would notify the Attorney General's Office, which would be the appropriate entity to do such an investigation.

Representative Larrañaga asked about the LFC's power to audit school districts, particularly the Albuquerque Public Schools (APS). Mr. Abbey said that Section 2-5-3 NMSA 1978, which essentially allows the LFC to audit state agencies, also applies to all political subdivisions of the state. Representative Larrañaga suggested an intense audit of APS, which has a huge budget but only a 52% graduation rate. Mr. Patel said that the LFC is working with the Legislative Education Study Committee (LESC) and the Office of Education Accountability of the Department of Finance and Administration to look at expenditures and cost-categorization by APS. He said the LESL will have a hearing on the issue in October. Mr. Patel said that APS is fully cooperating with the LFC in its review.

Mr. Williams asked what other tools the LFC or legislature needs to enhance its audit abilities. Ms. Tackett said that there are other interim committees with the charge of overseeing various agencies, and those committees might benefit from the subpoena power. She indicated that one problem that can occur is that the oversight committees can become captive to the agency's agenda, and cease to provide effective oversight, so changing the committee membership might help.

Senator Ortiz y Pino asked whether the legislature should enact a law that allows the LFC to provide for a program evaluation function, similar to the state auditor's ability. Mr. Patel said that the LFC would recommend such a statutory change. Senator Ortiz y Pino asked staff to draft language that would address performance evaluation, and to include related confidentiality provisions in the language.

Legislative-Executive Relations: Budget Deadlines and Agency Cooperation

Ms. Fernandez discussed with the task force statutory deadlines for the executive agencies to submit their budgets. She said that the September 1 deadline for state agencies to submit budgets to the Department of Finance and Administration and to the LFC is almost universally complied with. She mentioned the early January deadline in which the governor is required to submit to the legislature the executive's final budget request.

Ms. Fernandez also discussed executive and legislative initiatives that do not go through the budget process. Many of these initiatives create new programs that need recurring funding, but they never get any review. Some programs appropriate money from sources outside of funding formulas, which tends to diminish the integrity of those formulas. She also reminded the task force that salary increases for state employees are supposed to be in Section 8 of the general appropriation act, but that many increases are tacked onto other bills.

Ms. Gregorio talked about the capital outlay process and the changes made last year based upon recommendations of the interim Capital Outlay Subcommittee. One of the keystones of the changes was to implement a schedule for the capital outlay bill to be passed, which required the executive to submit its capital outlay budget earlier. Ms. Gregorio also described some of the changes that made the capital outlay process more efficient. She said that although the capital outlay process was improved by setting up project requirements, at present there are no consequences if those requirements are not met. Finally, she described how the legislature has made a step toward funding capital outlay projects based on need-based and planning criteria, rather than political influence.

Representative Bratton said that the legislature has made some progress in the capital outlay process, but still has much work to do. He said that he does not like the current House process of parading people in front of the Capital Outlay Subcommittee of the House Taxation and Revenue Committee, when he believes their testimony has absolutely no bearing on the funding of the project.

Representative Arnold-Jones said that the capital outlay time line worked last session. She also said that the New Mexico Finance Authority does much of the same work that the legislature sees, and that entity may be better equipped to evaluate capital projects than the legislature.

Representative Wirth said that since the governor tells state agencies to submit flat budgets, they end up asking for additional appropriations in HB 2, Jr. Many of those programs really should go through the budget process. Mr. Abbey said that he will suggest to the LFC and standing finance committee chairs that they be more restrictive in accepting nonbudgeted agency requests. Ms. Fernandez said the LFC makes sure that existing programs are funded before recommending new initiatives.

Representative Arnold-Jones asked if the state is paying arbitrage penalties on unfinished capital outlay projects. Mr. Abbey said that the state is, but it was never legally entitled to that interest money. He said the real problem is that several critical projects keep getting stalled for various reasons, including inadequate funding.

Representative Bratton said that the process of legislators funding multiple projects with inadequate money really amounts to buying votes. He said that project funding should not be associated with legislators' names.

There being no further business, the task force adjourned at 11:50 a.m.

TENTATIVE AGENDA
for the
EIGHTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE

August 20-21, 2007
Room 307, State Capitol
Santa Fe

Monday, August 20

- 1:00 p.m. **Call to Order**
 —Co-Chairmen Thomas A. Donnelly and Richard E. Olson
- 1:15 p.m. **Committee Business**
 —John Yaeger, Assistant Director for Legislative Affairs, Legislative Council
 Service (LCS)
 —Review of Draft Proposals from July Meeting
- 1:45 p.m. **Open Conference Committees**
 —Paula Tackett, Director, LCS
- 3:00 p.m. **Legislative Compensation**
 —John Yaeger
- 4:30 p.m. **Recess**

Tuesday, August 21

- 9:00 a.m. **Technology and Increased Public Participation**
 —Mark Guillen, Information Systems (IS) Manager, LCS, and Ralph Vincent,
 IS Contractor, LCS
 —Overview of Technology in New Mexico's Legislature
- 9:45 a.m. —Dr. Pauline Rindone, Director, Legislative Education Study Committee
 —Experience with "Paperless Committee" Project
- 10:15 a.m. —Raúl E. Burciaga, Assistant Director for Drafting Services, LCS
 —Discussion and Consideration of Potential Recommendations
 —Web Site Primer on Legislative Process
 —Real-Time Alerts to Committee Hearings
 —Real-Time Editing of Legislation in Committee
 —Citizen Participation in Committee Hearings from Remote
 Locations
 —Paperless Legislature
- 12:00 noon **Lunch**

1:30 p.m. **Task Force Discussion and Consideration of Next Steps**

Adjourn

**MINUTES
of the
EIGHTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**August 20-21, 2007
Room 307, State Capitol
Santa Fe**

The eighth meeting of the Legislative Structure and Process Study Task Force was called to order by Thomas A. Donnelly, co-chair, on August 20, 2007 at 1:20 p.m. in Room 307 of the State Capitol in Santa Fe.

Present

Thomas A. Donnelly, Co-Chair
Richard E. Olson, Co-Chair
Rep. Janice E. Arnold-Jones
Rep. Ray Begaye
Max Coll
Marie Eaves
William R. Humphries
Bill King (August 20)
Rep. Larry A. Larrañaga
Willard Lewis
Sen. Gerald Ortiz y Pino
Sen. Nancy Rodriguez
Rep. Henry Kiki Saavedra
Rep. Thomas C. Taylor
Anthony Williams
Rep. Peter Wirth

Absent

Sen. Mark Boitano
Linda M. Davis
Charles Dorame
Tommy Jewell
Judy K. Jones
David McCumber
Brian McDonald
Sen. Cynthia Nava
Sen. Steven P. Neville
Sen. William H. Payne
Murray Ryan

Advisory Members

Rep. Donald E. Bratton
Sen. Stuart Ingle (August 20)
Kim Seckler

Marilyn O'Leary

(Attendance dates for members attending part of the meeting are shown in parentheses.)

Staff

David Abbey, Director, Legislative Finance Committee (LFC)
Raúl E. Burciaga, Assistant Director for Drafting Services, Legislative Council Service (LCS)
Cathy T. Fernandez, Deputy Director, LFC
Ric Gaudet, LCS
Paula Tackett, Director, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of handouts given by meeting presenters are in the meeting file.

Monday, August 20

Committee Business

Mr. Yaeger described for the task force the most recent draft proposals generated by previous task force meetings. The proposals include:

- six recommendations (proposal #15) to restructure interim committees, including repealing most statutory interim committees and creating committees for a two-year period at the beginning of each legislature; having no more than 12 substantive interim committees each year (exclusive of the Legislative Council and the ethics and compacts committees); appointing members to committees that take into consideration the size of each legislative body, but maintain each body's ability to block motions; directing the three permanent committees to work together to staff the various substantive interim committees; allowing legislators to attend more meetings of interim committees of which they are not members; and limiting the number of advisory members of interim committees;
- a joint resolution (proposal #16) to amend the state constitution to give the governor 30 days to sign or veto legislation, which is an increase from the current 20 days;
- a joint resolution (proposal #17) to amend the state constitution to provide for an automatic three-day session of the legislature devoted exclusively to considering veto overrides of the previous regular legislative session;
- a joint resolution (proposal #18) to amend the state constitution to allow the legislature to consider veto overrides during special sessions;
- a bill (proposal #19) to grant subpoena power to the Legislative Council pursuant to a majority vote of the members appointed to the council;
- a bill (proposal #20) to allow the LFC to receive confidential material from governmental agencies;
- a bill (proposal #21) to codify the LFC's program evaluation function and adding governmental instrumentalities to agencies that can be audited; and
- a recommendation (proposal # 22, not printed) to the Legislative Council to provide two orientation sessions of two days each for legislators-elect and to reimburse them at the public per diem rate.

Representative Larrañaga said in regard to the interim committee restructuring proposal that the tendency in the past has been to create an interim committee for every conceivable problem. He prefers to create several committees with sufficient scope of study to cover every issue.

Mr. Coll said that although cutting back on the number of interim committees is a good idea and will save much legislative time, it will be politically difficult to do. He also said that he prefers a statute that creates the several interim committees. The legislature could still create single-purpose committees that have a definite sunset date.

Representative Wirth asked what entity would enforce a subpoena that the Legislative Council issued. Ms. Tackett said the district court would.

Mr. Coll said he favors a veto-override session because it would force the governor to negotiate with the legislature. Representative Larrañaga agreed, saying that currently the legislature does not have the practical ability, except by calling itself into an extraordinary session, to override vetoes from a 30-day session.

Open Conference Committees

Ms. Tackett gave the task force a presentation on the nature and history of conference committees in New Mexico. A conference committee is formed when one house refuses to concur with the other house's amendments to a bill and the other house likewise refuses to recede from those amendments. Each house appoints members to a conference committee, which usually consists of a total of six conferees. The conference committee decides which amendments to keep and which to reject and may additionally amend the bill. A majority of the members from each house on the committee must concur with the agreement for it to be reported to the floor of each house for adoption. Ms. Tackett said that each year only a few conference committees have been necessary, but that the general appropriation act (also known as HB 2) goes to conference nearly every year. She said that conference committees are not required to be held in public. Several attempts to require conference committees to be open to the public have not succeeded.

Representative Saavedra said that he does not have a problem with letting the public into conference committees, but he cautioned that having a room full of people at the meeting could distract the committee from its business. He said HB 2 is usually amended in conference committee to include additional programs legislators feel are urgent to include in the budget. The base bill is almost always not in contention; the committee just makes minor changes.

Mr. Coll said he favors open conference committees. He thinks that, in general, not very many people will actually attend a conference committee meeting, and the chair of the committee can restrict or allow public input, just like other standing committees.

Representative Arnold-Jones suggested that results of conference committees be posted publicly and on the legislature's web page at least 30 minutes before the full bodies can take any action on the conference committee reports.

Representative Wirth spoke in favor of opening conference committees to the public, and related how he allowed some interested public members to attend a conference committee he chaired last session regarding eminent domain. He said the net result was a law that not everyone liked, but that they were able to live with, partly because they were included in the negotiations.

Representative Larrañaga said he supports open conference committees in order to alleviate public suspicion about "back-room deals". He said the credibility of the legislature is not good in the public's eye.

Representative Taylor said that although he really does not care if conference committees are opened, it would become impossible for members to have the kinds of frank conversation that currently occur. He also said there are only a few conference committees each year, so opening them would not do very much to reform the system. The real problem, he said, is the fact that the public is so uninvolved in the legislative process. There needs to be more time for the legislature to deliberate and to involve the public.

Mr. Williams said that conference committees should be open to the public. He said that any decision that involves public money needs to involve public scrutiny.

Representative Bratton said that a conference committee consisting of six members and attended by 150 members of the public would be counterproductive. He said conference committees need to have the ability to close if they so choose, and they also need the ability to limit public comment. A bill that has made it to conference already has had multiple chances for public input.

Staff was directed to investigate how other states notify the press and public about upcoming open conference committees.

Legislative Compensation

Mr. Yaeger described for the task force the history of legislative compensation in New Mexico. In 1971, the attorney general opined that the legislature may enact a law to reimburse members for expenses incurred while performing legislative duties between legislative sessions. The legislature then proposed an amendment to Article 4, Section 10 of the Constitution of New Mexico, which was later adopted by the voters, that raised the per diem rates for legislators but also limited reimbursement during the interim to "service at meetings required by legislative committees established by the legislature to meet in the interim between sessions". That section was again amended in 1982 to raise the per diem rate from \$40.00 per day to \$75.00, and was last amended in 1996, when per diem and mileage rates were tied to the federal reimbursement rate for the City of Santa Fe, currently set at \$142 per day and 48.5 cents per mile. The New Mexico Supreme Court also ruled in 1995 that the statutory legislative retirement plan does not violate the constitution. Benefits were increased for retired legislators in 2003.

Representative Larrañaga asked how it was possible for a legislator also to receive a salary as a school teacher. Mr. Yaeger said that the New Mexico Supreme Court has ruled that public school teachers are not state employees. Representative Larrañaga said he believed that the main

argument for allowing school teachers to be legislators hinged on the fact that legislators do not receive a salary, but are merely reimbursed for service; thus, any discussion involving legislative salary may need to explore that relationship. He then asked whether legislators who receive a salary would also receive per diem. Mr. Yaeger responded that in most states that have a legislative salary, members are also entitled to some form of per diem reimbursement.

Representative Bratton said that most out-of-state travel does not cover the actual expenses legislators incur. He also said that the restrictions on the use of rental cars have caused problems when legislators have to travel many miles from their hotel room to get to a conference site. Mr. Yaeger said that in order to compensate legislators any more for out-of-state travel, the constitution would have to be amended.

Representative Saavedra said that legislators are allowed by state law to reimburse themselves from their campaign funds to pay for certain costs related to performing the duties of their office, such as attending conferences.

Representative Arnold-Jones said that the current state employee reimbursement rate is woefully inadequate. Mr. Yaeger said that rate is set by statute.

Representative Larrañaga said that any legislator who advocates receiving a salary would probably be committing political suicide.

Mr. Olson said he would support an amendment to the constitution to allow for more flexible per diem compensation in order to cover some of the more expensive travel costs. He also suggested investigating whether to set up expense accounts for legislators to cover bona fide expenses.

Representative Saavedra said that, currently, legislators do not even have the tools to return letters to constituents. He advocated giving legislators staff to help them do their jobs better.

Representative Arnold-Jones suggested looking into establishing a legislative compensation commission that could set a salary for legislators.

Staff was directed to provide draft proposals regarding a compensation commission and to provide more flexibility to cover out-of-state travel expenses.

Tuesday, August 21

Technology and Increased Public Participation

Overview of Technology in the New Mexico Legislature

Ralph Vincent, information systems contractor, LCS, presented an overview of the information technology (IT) infrastructure for the New Mexico Legislature. He described information that is available on the legislature's web site, including bill and amendment texts, locator information and capital outlay requests.

Senator Ortiz y Pino requested that IT staff develop a tool to retrieve information easily about legislative funding of individual projects. Representative Arnold-Jones agreed, saying that it is nearly impossible to fund projects fully that have multiple sponsors because figuring out who has allocated funding for a project is difficult. She suggested having an interactive capital outlay database. Mr. Yaeger said that sort of system is technically possible, but the legislature would have to address confidentiality concerns before it could be implemented.

Representative Bratton said that it is much more important that projects get fully funded than trying to get credit for funding such projects. Funding capital outlay projects in order to get reelected brings up ethics issues, he said.

Mark Guillen, information systems manager, LCS, described to the task force the system in place to provide laptop and notebook computers to legislators. He also said that the proposal to webcast floor sessions of the legislature is still being investigated. He said that New Mexico is one of a few states that does not yet broadcast its floor sessions.

Mr. Olson asked about webcasting committee hearings. Mr. Yaeger said that is possible, but the \$75,000 appropriation would probably not be enough to cover the cost.

Representative Wirth said that the New Mexico Legislature is very far behind other states in access to legislative hearings. He said that even the Santa Fe School Board webcasts its meetings, while the legislature remains in the Stone Age.

Legislative Education Study Committee Experience with "Paperless Committee" Project

Francis Maestas, deputy director, Legislative Education Study Committee (LESC), gave an overview of the LESC's recent attempt at reducing the amount of paper being generated at its meetings. In 2005, most members of the committee agreed to receive documents presented to the committee in an electronic form. Presenters to the committee were instructed to provide committee staff with electronic versions of handouts before meeting days, and committee members were provided with a CD version of all handouts the day of the meeting. Problems occurred when the committee traveled, because each meeting location had different IT capabilities. So committee staff still had available printed copies of all handouts in case there were IT problems.

Ms. Maestas said that the paperless committee project was successful and made it easier for members to organize and review the myriad documents the committee uses. Paper use was reduced somewhat, but she said that the computers sometimes were a distraction for legislators, who did not always seem to be paying attention to what was being said. Additionally, if a legislator forgot to bring the computer to the meeting, staff would scramble to provide paper versions of handouts.

Finally, Ms. Maestas said that the LESC is now requiring all handouts to be approved by the director before being distributed. If presentation materials are not sufficiently succinct, LESC staff will revise those handouts to give the important information quickly.

Ms. Eaves said she is concerned about possible partisan influence the LESC staff might bring to such editorializing of handouts. Ms. Maestas responded that the LESC staff is by statute nonpartisan, and they take great pains to ensure the fairness of information they produce. Representative Wirth said he would like some sort of information winnowing to take place for the House Appropriations and Finance Committee (HAFC), since that committee receives a staggering amount of information each session. It is physically impossible for an individual to read all that information in the short span of a legislative session, he said.

Discussion of Potential IT Reforms

Mr. Burciaga discussed several possible IT changes that have been identified by the task force as desirable. The first item, having a web site legislative primer, is already underway and will continue to improve over time. The second, having real-time alerts for legislators so they can be informed of upcoming attendance requirements at committee, can easily be accomplished with pagers or cell phones. He cautioned, however, that quick notification of members still does not guarantee the legislative process will be any more efficient. Legislators may still have to wait to testify at a committee hearing for any of a number of reasons, which no amount of technology can fix. That is because the legislature's very structure is designed to be effective but not necessarily efficient, he said.

The third reform possibility involves real-time editing of legislation in committee hearings. The idea is to have proposed amendments incorporated into the bill text quickly so that the committee can easily review it. That type of system would require quite a few more trained staff members, and it would lead to more frequent errors, since staff members would essentially be drafting, proofreading and word processing instantaneously, without the usual consideration given to such changes.

Representative Bratton said that the HAFC has a huge volume of proposed amendments, and it needs to make changes to text quickly, most of which are not substantive in nature. He suggested having an LCS staff member attend the committee's meetings to help review those amendments.

Representative Arnold-Jones said that real-time editing would merely be a tool for legislators to collaborate better in bill passage. She does not want to adopt a system that would lead to more errors, however.

Representative Bratton said he would like committee agendas to be posted electronically in committee rooms so they could be easily changed according to need during the meeting. He also suggested having a committee staff member dedicated to retrieving the text for the next agenda item for members' attention, and then sending those documents electronically to each member's computer.

Representative Taylor said that he is forced to carry two computers around the capitol: one issued by the LCS and his own computer for his business. His private computer is not allowed access into certain parts of the legislative information system. Mr. Vincent said the legislature is in the process of acquiring the correct infrastructure that will allow certain private computers to gain access into the legislative system. Representative Taylor asked that, in the meantime, certain

information he regularly needs, such as the minority analysis reports, be posted to a secure web page that he can access using a password.

Consideration of Next Steps

After a lunch break, the task force discussed all of the draft proposals it has heard in the past several months. Mr. Olson recommended that a subcommittee of the task force meet in September and try to make all the proposals work together so they can be officially adopted by the full task force in October. Several proposals, while not conflicting with other proposals, need to be adjusted so that they all work together. The task force discussed each proposal briefly and indicated to the subcommittee which direction to take. The discussion that ensued used the proposed reform numbers taken from the task force document entitled "Reforms Under Consideration", dated August 20, 2007. Only proposals that were discussed or rejected are mentioned. The other proposals are still included in the task force's tentative recommendations.

Limit Legislation Introduced (Proposal #2)

Representative Saavedra expressed concern that bill introduction limits will unfairly penalize members with geographically large districts. Ms. Tackett said that capital outlay requests are not included in the limit. Mr. Lewis said that bill introduction limits, coupled with unlimited pre-filing of bills, will solve that problem. Legislators will learn to file all their appropriations bills before the session, which will have the added benefit of allowing the legislature to be better prepared to address those bills when it convenes.

Expand Ability to Cosponsor Legislation (Proposal #3)

Representative Arnold-Jones suggested that if more members are allowed to cosponsor legislation, that cosponsorship should actually mean something substantive, like each cosponsor working to get the bill passed. Mr. Yaeger said that the current proposal was written mainly as an attempt to reduce the amount of duplicate legislation introduced.

Prohibit Memorials Requesting Agencies to Act (Proposal #4)

Representative Wirth said he is concerned that if the legislature inserts money into an appropriation bill for a specific purpose, it often wants to include language with the appropriation, which is where memorial language is sometimes helpful. Ms. Tackett said that a bill with specific language and an appropriation should get introduced; in the appropriations committees, the appropriation part gets rolled into an appropriations bill and the original bill gets passed without the money in it. That way, the money is there for the agency to spend with the specific language the legislature wants. Mr. Coll said that the chair of HAFC or the Senate Finance Committee can always write a letter to the agency specifying how the legislature wants that money spent.

Discourage Tabling Motions in Committee (Proposal #5)

Representative Wirth said that the proposal to have an automatic Do Not Pass committee report generated after five days of a bill being tabled will create a procedural nightmare. Mr. Yaeger said that the proposal will not cut down on the workload of the legislature, but it may cut down on worries that a bad bill will suddenly be resurrected at the end of session and forced through the legislature.

Representative Arnold-Jones said that if the current proposal is rejected, another method of killing bills in committee needs to be drafted that works better. Mr. Coll suggested that committees be allowed to table a bill for just a few days, after which they must issue a Do Pass, Do Not Pass or Do Pass Without Recommendation report. Further tabling of the bill would be prohibited.

Crossover Deadlines (Proposal #9)

Representative Arnold-Jones said she is willing to take this proposal off the table, especially the confusing and complex two-house crossover deadline draft.

Restructure Interim Committees (Proposal #15)

Representative Larrañaga suggested that the proposed Legislative Health Committee and Legislative Human Services Committee be combined into one Legislative Health and Human Services Committee, reflecting the current status of that committee. He also suggested changing the name of the proposed Environment Committee to the Water, Energy and Environment Committee.

Veto Overrides During Special Sessions (Proposal #18)

Representative Wirth said he prefers a dedicated veto-override session instead of allowing it during special sessions. He said that special sessions need to be limited in their scope to the subjects contained in the governor's proclamation. Allowing veto overrides could extend those sessions much longer than desired, he said.

The task force agreed to remove Proposal #18 from consideration.

Legislative Subpoenas (Proposal #19)

Ms. Eaves said she does not want the Legislative Council to have the ability to issue subpoenas because she fears it would lead to abuse.

Representative Saavedra said that the chair of HAFC should serve on the interim Revenue Stabilization and Tax Policy Committee.

The co-chairs of the task force appointed the following members to the subcommittee: Mr. Donnelly, Mr. Olson, Mr. Coll, Representative Wirth, Mr. Humphries, Senator Ortiz y Pino, Representative Begaye and Mr. Williams.

Representative Arnold-Jones asked staff to provide advance copies of the subcommittee recommendations to the rest of the task force.

There being no further business, the task force adjourned at 3:15 p.m.

**TENTATIVE AGENDA
for the
NINTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**October 30, 2007
Room 307, State Capitol
Santa Fe**

Tuesday, October 30

10:00 a.m. Call to Order

—Co-Chairs Thomas A. Donnelly and Richard E. Olson

Approval of Minutes

Review of Final Report and Endorsement of Draft Legislation

Adjourn

**MINUTES
of the
NINTH MEETING
of the
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**October 30, 2007
Room 307, State Capitol
Santa Fe**

The ninth meeting of the Legislative Structure and Process Study Task Force was called to order by Thomas A. Donnelly, co-chair, on October 30, 2007 at 10:08 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Thomas A. Donnelly, Co-Chair
Richard E. Olson, Co-Chair
Rep. Janice E. Arnold-Jones
Rep. Ray Begaye
Sen. Mark Boitano
Max Coll
Marie Eaves
William H. Humphries
Bill King
David McCumber
Sen. Steven P. Neville
Sen. Gerald Ortiz y Pino
Sen. Nancy Rodriguez
Rep. Henry Kiki Saavedra
Rep. Thomas C. Taylor
Anthony Williams
Rep. Peter Wirth

Advisory Members

Kim Seckler

Absent

Linda M. Davis
Charles Dorame
Tommy Jewell
Rep. Larry A. Larrañaga
Willard Lewis
Brian McDonald
Sen. Cynthia Nava
Sen. William H. Payne
Murray Ryan

Rep. Donald E. Bratton
Sen. Stuart Ingle
Marilyn O'Leary

Staff

Raúl E. Burciaga, Assistant Director for Drafting Services, Legislative Council Service (LCS)
Cathy T. Fernandez, Deputy Director, Legislative Finance Committee (LFC)
Ric Gaudet, LCS
Paula Tackett, Director, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of handouts given by meeting presenters are in the meeting file.

Tuesday, October 30

Mr. Donnelly welcomed members of the task force to its final meeting. The minutes of the August 20-21 meeting of the task force were adopted.

Review of Final Report and Endorsement of Draft Legislation

Mr. Yaeger reviewed for the task force a draft final report of the task force's work, as well as draft legislation for the task force to consider adopting.

Amendments to the Constitution to Provide for Legislative Reform (Proposal #1)

The first item discussed by the task force was a joint resolution to propose amendments to the Constitution of New Mexico to extend the length of regular sessions of the legislature by 15 days, to provide for three-day veto override sessions, to increase the time allowed the governor to sign bills from 20 days to 30 days, to change the governor's line-item veto authority, to change the time frame for the effective date of legislation and to make the language in the amended sections gender neutral.

Mr. McCumber asked whether the task force had discussed the possible changes to established case law by changing the governor's line-item veto authority. Mr. Yaeger said that the veto provision was discussed at length by staff and the task force. Members of the task force felt that the governor had gone beyond his authority of established case law, and that something needed to be done before the legislature's power was eroded even further.

The task force adopted Proposal #1 unanimously.

Amendment to the Constitution to Create a Legislative Compensation Commission (Proposal #2A)

Mr. Yaeger said that the task force may wish to consider adding former legislators to the list of people prohibited from serving on the commission because the commission could potentially affect retirement benefits.

Representative Arnold-Jones asked how many times the question of compensation for legislators has been proposed to the voters. Ms. Tackett said there have been at least 10 attempts to adopt such changes to the Constitution of New Mexico.

Senator Ortiz y Pino asked whether the commission could set per diem and mileage in addition to legislative compensation. Ms. Tackett said that it could.

Senator Boitano said that rather than providing compensation for legislators, the legislature should provide staff to help legislators with their tremendous workload. Ms. Tackett said that hiring staff for each legislator could be difficult to manage.

Senator Boitano asked whether legislative retirement could be set by the proposed commission. Mr. Yaeger said that currently, legislative retirement is set by statute, and it would remain so unless the legislature gave that power to the commission.

Ms. Seckler said that giving legislators compensation could make them state employees, which could affect many other constitutional issues.

Representative Arnold-Jones suggested using the term "remuneration" instead of "compensation" to avoid the problem of inadvertently making legislators state employees. Her proposed amendment did not pass.

Representative Saavedra agreed that legislators need regional offices to provide staff support to legislators, but he said that issue should not be mixed with the legislative compensation idea.

Representative Taylor said that his main hope for the task force was for it to make recommendations that would make the time spent during the legislative process more effective. He said legislators need staff that are familiar with legislators' situation and geographic areas. Sometimes, he said, he wants to research an issue, but is not sure exactly what he is trying to find out. He would rather have his personal staff perform that kind of research than tie up the energy and time of the LCS or LFC.

Senator Boitano proposed additional language in the draft that would give the legislative compensation commission the power to set legislative staffing levels and expenses in addition to salary. He also proposed language that would require each recommendation of the commission to be approved or rejected by the voters. He said that he could not support the commission idea unless it included those changes. His proposed amendments failed to pass.

Mr. Coll said that the legislature already has the power to set staff levels and that it would not be wise to give away that power to the commission.

Representative Wirth said that Colorado recently lengthened its legislative session to four months and gave legislators compensation. He said Colorado today has a much better and more effective system. New Mexico needs those tools, especially staff.

Proposal #2A was adopted by the task force, with Senator Boitano voting no.

Amendment to the Constitution to Provide for Increased Out-of-State Per Diem for Legislators (Proposal #2B)

Mr. Yaeger commented that the legislature could not adopt both compensation proposals. If proposal #2A was adopted, the legislative compensation commission would be empowered to set per diem rates for out-of-state travel.

Proposal #2B was adopted by the task force unanimously.

Bill to Codify the LFC's Audit Function and Ability to Receive Confidential Information (Proposal #3)

Representative Arnold-Jones asked if the LFC would need more staff to implement the proposed changes. Ms. Fernandez said that the LFC already performs the audit functions described and would not need more staff from the statute change. She did say, however, that the LFC is requesting additional staff for the upcoming fiscal year.

Senator Boitano asked whether the LFC is able to audit the Albuquerque Public Schools. Ms. Fernandez said that it has done so. It also has subpoena power in case an entity refuses to cooperate.

Mr. Coll said the audit function of the LFC is essential, and it needs to be strengthened.

Proposal #3 was adopted unanimously.

Bill to Set Earlier Bill Introduction Deadlines and Grant Subpoena Power to the Legislative Council (Proposal #4)

Proposal #4 was adopted by the task force unanimously.

Concurrent Resolution to Amend the Joint Rules (Proposal #5)

Proposal #5 makes changes to the Legislative Joint Rules on several subjects, including opening conference committees, providing for a 30-minute delay after a conference committee has delivered a report for consideration, prohibiting memorials from requesting state agencies to take action, establishing crossover deadlines and providing for a break from floor sessions immediately following the bill introduction deadline.

Representative Arnold-Jones said the only item in Proposal #5 she disagrees with is the crossover deadline. She said she fears that could limit debate toward the end of session. Her proposed amendment to remove crossover deadlines from the draft failed.

Proposal #5 was adopted by the task force unanimously.

House and Senate Rules Changes (Proposals #6 and #7)

Proposals #6 and #7 make essentially parallel changes in the house and senate rules to set bill and memorial introduction limits, to prohibit standing committees from issuing "without recommendation" reports, to expand cosponsoring of legislation, to establish a memorial introduction deadline, to expand pre-filing of legislation and to restrict guests and performances in the chambers.

Representative Wirth suggested setting the bill introduction limit for long sessions at 10 bills and for short sessions at five bills. He proposed a memorial introduction limit for long and short sessions of two memorials per legislator. The amendment was adopted by the task force unanimously.

Proposals #6 and #7 were adopted unanimously by the task force.

Task Force Report

The task force discussed the final report, which includes some recommendations that do not lend themselves to legislation, such as restructuring interim committees and providing more training to incoming legislators. The idea of funding a litigation fund in order to help finance legislative challenges to executive actions was removed from the recommendation.

The task force final report was adopted unanimously with direction to staff to add more explanatory language to some of the recommendations and to put the recommendations into subject categories. Mr. Olson said the co-chairs of the task force will be available to present the report and recommendations to the Legislative Council on December 10.

The task force briefly discussed whether to recommend a special or extraordinary session of the legislature. Ms. Tackett suggested that if an extraordinary session be convened, it take place very soon after the end of the regular session in late February 2008.

There being no further business, the task force adjourned at 12:45 p.m.

LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE

APPENDIX B:

PRESENTATIONS AND BACKGROUND MATERIAL

May 23, 2006

**Legislative Council Charge
to the
Legislative Structure and Process Study Task Force**

Like many other institutions in modern society, the New Mexico Legislature is faced with the problem, especially during the sessions, of having an inordinate amount of work to do and a limited amount of time in which to accomplish that work effectively and efficiently. Thus, the New Mexico Legislature must find ways to delineate its priorities and focus its institutional attention on those priorities.

The Legislative Council charges this special task force, the Legislative Structure and Process Study Task Force, with developing a series of recommendations to help the legislature conduct its work and perform its duties in a more effective and efficient manner. The task force must recognize that the New Mexico legislature is a citizen-legislature and the special role of the legislature as the body that sets the public policies of this state, creates the entities and programs to carry out those policies and allocates the requisite funds to ensure that the entities and programs function effectively. Also, the task force must understand that the legislature is composed of 112 members, each of whom is elected by a constituency to which each must remain responsive while also serving the larger interests of the state. Finally, the task force must also recognize that the New Mexico Legislature is currently a true citizen-legislature and the entire legislative structure and process is the focus of the work of this task force.

In conducting its study, the task force should examine the entire legislative structure and all of its processes, and specifically:

- review and evaluate past and present organizational and operational practices of the New Mexico Legislature for regular, special and extraordinary sessions and also for the critical work of interim committees and the relationship of the interim committees to the next regular session to which they necessarily report;
- review constraints on operational structures and processes contained in the Constitution of New Mexico and statutes, as well as those set out in the rules and policies of the legislature;
- review the operational structures and processes of comparable state legislatures;
- concern itself with ensuring public participation in and public understanding, confidence and regard for the processes of the legislature;
- obtain public comment on its study and preliminary recommendations; and
- report regularly to the Legislative Council on its progress, issue a preliminary report of any conclusions and recommendations that can be addressed during the 2007 session and produce a final report of all of its conclusions and recommendations, including a summary of any public comment, by December 21, 2007 for action during the 2008 legislative session.

July 31, 2006

CONTACT: Speaker of the House of Representatives Ben Lujan, 986-4782

Senate President Pro Tempore Ben D. Altamirano, 986-4733

Legislative Reform Panel Appointed

SANTA FE — The co-chairs of the New Mexico Legislative Council today announced the creation of a task force to study New Mexico's legislative structure and processes and recommend changes.

"We're committed to making sure that the New Mexico Legislature is organized in such a way and that it has the resources necessary to thoughtfully and effectively address the major policy issues it faces each year," House Speaker Ben Lujan and Senate President Pro Tempore Ben D. Altamirano said in a joint statement. "The men and women who selflessly serve as legislators have accomplished great things for the State of New Mexico and we hope this group will explore ways to enhance the work of our legislators."

Former Court of Appeals Judge Thomas Donnelly of Santa Fe and former state Representative Richard Olson of Roswell will co-chair the task force. Named as members are: Max Coll of Santa Fe, a former state representative; Marie Eaves of Santa Fe, a long-time New Mexico lobbyist; Linda Davis, a Cimarron rancher; Chris Garcia, a

political scientist and former acting president of the University of New Mexico; Bill Humphries of Tucumcari, a former state land commissioner; Tommy Jewel, a former district court judge; Charles Dorame, former governor of the Pueblo of Tesuque; Judy Jones of Albuquerque, a former vice president at the University of New Mexico; David McCumber of Los Alamos, chief of staff to former Governor Gary Johnson; Willard Lewis of Los Alamos, former secretary of finance and administration under former Governor Garrey Carruthers; Brian McDonald, former director of the Bureau of Business and Economic Research at the University of New Mexico; Murray Ryan of Silver City, a former member of the House of Representatives; and Anthony Williams of Los Lunas, a former member of the New Mexico Senate.

Legislators named to the task force are: Senators Mark Boitano, R-Albuquerque, Cynthia Nava, D-Las Cruces, Steven P. Neville, R-Aztec, Gerald Ortiz y Pino, D-Albuquerque, William H. Payne, R-Albuquerque, and Nancy Rodriguez, D-Santa Fe; and Representatives Janice E. Arnold-Jones, R-Albuquerque, Ray Begaye, D-Shiprock, Larry A. Larrañaga, R-Albuquerque, Henry Kiki Saavedra, D-Albuquerque, Thomas C. Taylor, R-Farmington, and Peter Wirth, D-Santa Fe.

Several members of the public and the legislature were named as advisory members to the task force. They are: Representatives Donald E. Bratton, R-Hobbs, and Al Park, D-Albuquerque, and Marilyn O'Leary of the Utton Transboundary Resources Center. Lujan and Altamirano said more voting and advisory members may be named later to the task force.

EVOLUTION OF NEW MEXICO'S LEGISLATIVE STRUCTURE AND PROCESS

By Paula Tackett
Director, Legislative Council Service
August 4, 2006

Mr. Chairman... Members of the task force: The co-chairmen have presented the charge from the legislative council to you, and you are about to embark on an examination of New Mexico's legislative structure and process. Your task is to analyze the structure and process of the New Mexico legislature... diagnose current factors that impede progress and effectiveness and recommend reforms that would help improve that process.

Before getting into the evolution of the legislative structure and process — a way to set the stage for where we are by taking a little time to look at where we have been — I would suggest that your ultimate goal should not necessarily be to make the legislature more efficient, but rather more effective. The legislative process was never intended to be efficient — at times it is supposed to be slow... indeed, it is intended to be... to allow for the greatest possible public input and to afford an opportunity for all sides to be heard on an issue... it is quite often messy and it should always be deliberative!

You will also be faced with the somewhat global, less tangible change in the nature and the work of the legislature. Over the last several decades, more federal responsibility has been pushed down to the states... the legislature has more forcefully asserted itself as a co-equal branch of government in overseeing executive performance... the members are more independent, more apt to chafe against strict party discipline... and the internet, blogs, personal digital assistants and email have forever changed the way and the speed with which legislators gather information... with which unsolicited information is delivered to them... and with which constituents expect answers or action from their elected representatives. When you couple advanced technology with the increase in constituents' demands and expectations, it's a wonder that legislators have any time to give "thought" to the responses or solutions that are immediately demanded of them!

An objective review of the legislature's structure and process will show that:

- * over the years, the legislature's structures and processes have changed to help the legislature address the issues of the day;

- * the legislature has always been willing to try new ideas to improve institutional operations; and

- * past proposals for reform have been varied and bold... and although the implementation of these proposed reforms has been mixed, reforming the

legislative process, or changing its structure to make it more effective, must be understood as often being a two-level undertaking.

One level is internal, where the legislature has total control and can implement changes by itself. The second level is external: it requires some action by the governor or the people voting on a constitutional amendment. Internal reform is concerned with getting rid of obsolete procedures, using modern technology, providing enhanced professional staff services, improving public relations, and so on. In the late '50s and early '60s, the New Mexico legislature made great strides and was actually at the forefront of the nation's legislatures in its modernization efforts. Some of the internal operational changes that significantly improved the process in New Mexico and that were put in place ahead of many other states included:

- * conferences to orient freshman legislators on rules and procedures;
- * the use of photo-offset in the printing of bills to remove the opportunity for printer's errors or differences between the introduced bill and the printed bill;
- * the production of the daily bill locator for each member of the legislature and for the public;
- * the substantial reduction of standing committees; and
- * the reordering and renumbering of the house and senate rules so that comparable or identical rules had the same number in each house.

Some of the other major improvements in New Mexico legislative procedures and operations occurred in the late '60s. These included:

- * establishing a consent calendar to speed up consideration of purely routine and noncontroversial bills;
- * using certificates rather than time-consuming and costly legislation to express official condolences or congratulations upon the death or accomplishment of a person;
- * combining the house and senate bill and mail rooms into one under the jurisdiction of the legislative council;
- * adopting rules requiring adequate publication of committee hearing schedules;
- * adopting joint rules covering such matters as conference committee procedures and operation of shared facilities;

* using slip sheet laws so the public, officials and the press would have copies of the new laws as soon as possible; and

* providing offices in the capitol and general access to the state telephone network for legislators through a toll-free number. These were items the earlier leaders grappled with internally — things we take for granted today.

The second level of reform, the external level, requires constitutional or statutory change. Some of the detailed procedural requirements set out in the constitution are echoes of an earlier time and may have little relevance to this century. Some of those items have been looked at, and attempts to change them have been made. This task force might want to review some of these items again.

The history of the New Mexico legislature shows that it has not been reluctant to experiment or to try new ideas and procedures. If that history teaches us anything, it is that this task force should be willing to recommend any and all structural and procedural changes it believes will help the legislature perform its duties more effectively. No one expects this task force to be shy.

The changes that have occurred in New Mexico's legislative structure and process may seem subtle, incremental or even nonexistent to those among us who deal with the legislature on a daily basis. To a certain extent, that is both true and good. Structural and procedural changes do and perhaps should come slowly to an entire branch of government — and the only branch of government — that must balance the competing duties of open deliberativeness with responsiveness to the public.

At the same time, however, one reason structural and procedural changes seem subtle to those who are so closely involved in the process is precisely because we are so close to the process. To someone else who hasn't seen the legislative process for years or even decades — including some of you — today's legislature may seem starkly different.

It is a little like the different perspectives that two people may have of the same town... someone who's a lifelong resident may not think much has changed, but someone who left town for a few years and later returns is often startled by the changes that have occurred. So, to those of you who have been out of town for a while, let me say welcome back... and let me give you the "nickel tour" of some of what's changed.

First, you'll notice that the workload has increased dramatically.

* The number of bills introduced each year is up sharply... especially in the short, 30-day session that is supposed to be limited essentially to budget matters. In the 1930s, there were an average of about 450 bills introduced, and an average of about 180 of them enacted — and after a session, members went home satisfied they had done a good job and looked forward to coming back almost two

years later. In the early '70s, there were an average of about 1,000 bills introduced in a long session, with an average of about 400 of them enacted — and an average of about 250 bills introduced in a short session with an average of 90 to 100 of them enacted — and then the members went home and generally most of them returned almost a year later. Now, the legislature deals with more than 1,500 bills in a short session and 2,200 bills in a long session, and the members are now back working in interim committees two or three months after the end of session.

Another way to look at the increase is that the number of bills introduced this year was almost seven times greater than the number introduced in 1970. The increase during 60-day sessions is smaller, but no less significant: that number has more than doubled since the early '70s. This results in an increase in floor activity, which many believe results in less time for thoughtful and complete debate and deliberation on each measure, less time in committee to thoroughly vet legislation, less staff time to provide a thorough and independent analysis of legislation and generally results in increased workload for staff in every legislative agency. Additionally, there has been a dramatic increase in the number of duplicate bills, memorials and resolutions, increasing from the 2002 session to the 2006 session by 115 percent (160 to 344) and from the 2001 session to the 2005 session by 33.7 percent. These duplicate bills serve to further choke the process and require the house and senate to often consider the same bill twice in each house.

* The workload between sessions is up also. The number of interim committees and the number of members appointed to interim committees is up sharply. In 1979, the legislature had 11 interim committees, and the median number of voting members on each was eight... and not all members served on an interim committee. Today, the number of interim committees has doubled... and the median number of legislators appointed as voting members is up to 12, while the number of advisory members, a practice that was virtually nonexistent in 1979, has skyrocketed. Many committees have more advisory members than voting members. All house members but one serve on two or more interim committees, either as voting or advisory members, and all senators but one serve on three or more interim committees, either as voting or advisory members. The list of interim committees that exist today... that didn't exist in 1979... reflects the legislature's need or desire to make informed policy decisions on a broader range of issues and to exercise greater oversight of the executive. For example, today's committees include the legislative health and human services committee, the revenue stabilization and tax policy committee and the economic and rural development and telecommunications committee... as well as oversight committees for welfare reform... the expenditure of tobacco settlement funds... public school capital outlay... and information technology.

In 1955, the legislature reorganized its standing committee structure to address identified problems with obtaining and maintaining quorums, scheduling conflicts among committees and inadequate notice to the public. The number of

senate standing committees was reduced from 20 to eight and house standing committees were reduced from 24 to 16. Additionally, members were limited to service on two substantive committees and committee meetings were scheduled to meet only twice a week at specific times. Although the house and senate have continued over the years to reduce or balance the workloads of the standing committees, the number of standing committees has remained fairly constant since 1955.

Another change is the increase in the number of constituents that members serve. Since 1980, the state's population is up nearly 50 percent. The typical senator now represents more than 43,000 people... and the typical house member represents about 26,000. In 1980, the typical senator represented about 31,000 people and the typical house member represented about 18,600. The increased number of constituents translates into increased demands on the process — on the members of the legislature... and on its staff.

Increasingly, it also seems that these are constituents who are not reluctant to ask the legislature for help... who have their own ideas about how problems should be solved... and who think the solutions should be enacted relatively quickly.

Clearly, any examination of legislative organization or structure must necessarily focus a fair amount of attention on the committee system because it really is the core around which the entire legislative system revolves. The committees in New Mexico are a critical functioning part of the structure and the process, and in the past committees have done a creditable job of processing the legislative workload. But at this juncture, the whole committee process, both standing and interim, has come under scrutiny, and many of the problems the legislature fixed in the '50s and early '60s are back. Today, we once again hear about quorum problems and scheduling conflicts among the various committees and inadequate notice of meetings, or more likely during sessions, last-minute cancellations or delays in scheduled committee meetings causing consternation and problems for the members of the public who have taken time, and often have driven long distances, to come to testify on a particular bill.

Also, the number of referrals to committees has increased. Whereas in the '60s and '70s a bill would get one referral, unless it had financial implications, which meant it would also be referred to a finance committee. Now it is not unusual for a bill to get at least two referrals, if not more, with an additional referral to finance when appropriate. It almost seems as if it has gotten harder and harder to actually kill bills, and so it seems as if the only way to stop or kill something is to give it multiple referrals.

In the late '60s through the '80s, if a committee took an action on a bill... that action was generally an action on the merits, either in committee or on the floor. At this point, often with a real concern for having actions mischaracterized, bills are often rejected with a tabling motion, a procedural device where there is

no actual vote taken on the merits of a particular measure.

All of these changes: increased workload, increased federal and constituent demands and changes in the way committees function, have led to:

- 1) increased political and individual tension;
- 2) mistakes, either in judgment or of a technical nature;
- 3) a lack of focus both during sessions and in the interim;
- 4) distractions during floor sessions and committee meetings; and

5) a growing sense that it is simply unreasonable and unfair to expect citizen-legislators to volunteer such great quantities of personal time and personal funds in the name of public service.

The legislature has certainly noticed these changing conditions and has responded by making some structural and procedural changes. Some of these changes have improved the process... and some, while well-intentioned, have arguably improved parts of the process while foisting unintended consequences upon other parts of the process.

Let me touch on a few of those previous changes.

* The legislature, through a joint rule, established a deadline for members to request that bills be drafted by the legislative council service. This allowed the council service time to complete all of the bills that had to be drafted before the statutory introduction deadline. Before establishing that deadline, requests for bill drafts were often made just minutes before the introduction deadline. In fact, the year before the deadline was implemented, the council service received requests and produced for introduction more than 250 pieces of legislation the morning of the introduction deadline. It was a nightmare, and almost all of the last-minute bills had to be substituted as the session progressed.

* The constitution was amended to allow the senate rules committee to meet in the interim to consider gubernatorial nominations that require senate confirmation.

* In 1998, the capital outlay process was changed so that capital outlay bills were drafted as capital outlay requests — essentially amendments — with only one capital bill and one general obligation bond bill being introduced in each house. The change streamlined parts of the entire process: staff time in preparing bills for introduction was reduced, floor time for introductions and referrals was cut and printing and paper costs were reduced. However, if one looks at the last three years, one wonders if this change has been totally beneficial. (For example, in 2004: 5,462 requests; 2005: 6,530 requests; and 2006: 7,692 requests; and a

commensurate increase in staff in the LCS, whose sole session task is producing those requests and the capital bill that is drafted from them.) There is a special subcommittee of the legislative finance committee and the legislative council that will address this issue.

* As the number and size of interim committees have grown, the legislative council has directed staff to attempt to coordinate interim committee meeting schedules to minimize scheduling conflicts among voting members. I will tell you that it is nigh on impossible to avoid all conflicts — and many legislators say there are just too many interim committees with too many members.

* The legislature now issues laptop computers to legislators who desire one for their legislative use. Members have legislative email addresses if they want one, and they have access to a wireless network within the building and dial-up access when away from the capitol.

* The use of certificates for congratulations and condolences, which was a reform in the '60s, had returned almost totally to the old practice of using legislation in the form of memorials to honor constituents. The legislature has largely stopped that practice and the certificate device is being used once more. This change has eased the amount of paper going through the bill production process and ultimately to the floor, but at the same time has exploded in its own right, and certificates are now being issued during the interim by the hundreds.

* To help address quorum and committee scheduling problems in the senate, members serving on the senate finance committee only have one committee assignment instead of two.

* Senators no longer share offices during the session, a change made after the second renovation.

The benefits of all of these changes may be debatable, and while I won't presume to offer a definitive opinion on the subject, I will offer some observations. While the workload has increased and while the nature of the work has become more demanding, the amount of time in which to do the work has remained the same. Thirty-day legislative sessions are still 30 days... and 60-day sessions are still 60 days... and the number of days available to meet in the interim has not increased to accommodate the increase in the number of interim committees. Today, government is faced with the growing complexity of our pluralistic society — and this has placed increased pressure on the legislature to not just be responsive, but also to be proactive in arriving at solutions to problems that face this state in less and less time.

_____ Real changes have occurred with regard to staff support. The legislative council service was created in 1951 as the central nonpartisan staff agency that is now responsible for everything from drafting bills, providing research and

committee staffing to running the building.

The early council minutes reflect that the fundamental problems the early council faced with regard to staff was establishing policies to guide the conduct of council service staff and the operation of the council service. The council specifically wanted to avoid charges of politically motivated appointments.

To ensure that, in 1955, the council service law was amended to clarify that the council service was a legislative branch agency, and that the staff must be hired without regard to party affiliation and solely on the grounds of fitness to perform the duties assigned. These changes came after lengthy discussions the early council had on its role in the process and the importance of keeping the council service from developing into a partisan operation.

Another major item of discussion of the early council was the creation of a budget service within the council service to advise and assist the legislature in matters of the budget. In 1957, the budget service within the council service was spun off into the legislative finance committee, an independent nonpartisan joint interim committee with its own staff, that now includes an auditing staff.

Similarly, in 1971, the legislative education study committee was created with its own nonpartisan staff, which is now examining higher education issues as well as public school issues.

Thus, as the legislature had need for specialized staff in finance and education, additional permanent committees with nonpartisan independent staff were created. It must be noted, however, that any time independent staffs are created, it necessarily adds to the challenges of communication, coordination and focus among the various legislative entities — challenges that we as staff continue to wrestle with today.

The chief clerks of both chambers are now full-time employees with staffs of four... providing constituent services and performing other duties all year. The house and senate chief clerks' offices handled more than 2,200 constituent cases in 2005... up from less than 1,600 in 1995, two years after constituent services was transferred from the council service to the clerks.

The leadership now have available full-time, year-round staff to assist them with their duties and, if directed by the leaders, to provide certain caucus functions and services to individual caucus members.

All legislators have more temporary staff available to them during the session. The number of secretaries and committee analysts is up as well as caucus analysts.

An integrated information system has been implemented, leading to greater access to information for the public while facilitating information sharing

throughout the legislative branch. It wasn't all that long ago that all of the printed copies of the day's session agenda were gone by 9:30 in the morning... and anyone looking for a copy after that was sent scrounging. Today, of course, the agendas and a myriad of other information is posted on the internet on the legislative web site. However, reliance on that information or the usefulness of that information diminishes as the day progresses for a variety of reasons: morning committees may run over; the floor session may run longer than anticipated; committees scheduled for a certain time may be pushed back because a party caucus is called — all of these events compound the lack of usefulness of the published information once the day actually begins — which can be very frustrating to the public who, by and large, expect the train to run on time.

Other reforms have also been discussed... proposed... and, for a variety of reasons, not implemented or not executed as well as its proponents had hoped. These other reform proposals include:

- * proposals to limit the number of bills members may introduce and to prohibit the introduction of identical bills in both chambers;

- * proposals to allow legislators to designate a limited number of bills as their "priority" legislation entitled to speedier drafting and hearings, without limiting the total number of bills they can introduce;

- * members of the house have been allowed to prefile certain legislation since 1989, but no one has ever exercised that right. Senators will have that same opportunity for the first time later this year;

- * proposals to extend the 30-day session... and some of those proposals have been coupled with a proposal to shorten the 60-day session; and

- * proposals to remove the restrictions on the subjects that may be considered during the 30-day session, which might serve to lessen the tension between the executive and the legislature... and we've had proposals to split the session, for example, into two 30-day periods with a 15-day break in the middle. (From 1941-45, the legislature experimented with a "split session" involving two 30-day working periods separated by a 30-day recess.)

Other suggestions have included:

- 1) capping the number of interim committees;
- 2) only letting council members serve as advisory members to interim committees;
- 3) letting all members attend other committees during the interim for educational purposes;

- 4) converting to a "paperless" legislature;
- 5) shortening the deadline for introducing bills; and
- 6) requiring a lengthier review of proposed constitutional amendments prior to a final vote by the legislature.

The fact that previous efforts to reform parts of the legislative structure and process may have been met with limited success should not serve to discourage you in your work. Rather, we hope those efforts will serve to inspire you. Previous reform efforts demonstrate that the legislature is always willing to consider such proposals... they provide a body of work that may serve to prompt you to come up with a "new twist on an old idea". Perhaps most important, those previous efforts demonstrate that your best chance at success may come by thinking broadly... by not ruling anything out... and by putting everything on the table until later in your process when it becomes necessary to fine tune the best ideas.

You have an important task before you, and the legislative council looks forward to your recommendations to improve the effectiveness of the legislature. Although the work may be difficult, it is valuable to review this branch of government with an eye toward improving the process so that all who are involved in this process may better serve the citizens of the state. The council service, as well as the staff of the legislative finance committee and the legislative education study committee and the house and senate chief clerks' offices, are available to assist you in whatever way you may need. We look forward to working with you and for you in this challenging endeavor.

CONSTITUTIONAL CONSTRAINTS ON LEGISLATIVE REFORM

Raúl E. Burciaga
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August 4, 2006

Mr. Chairmen and members of the task force, good morning.

An examination of the state's legislative structure and process requires at least a brief overview of some constitutional provisions — and constraints — specific to the legislature. I'll begin with a very brief comparison of the United States and New Mexico constitutions. I'll then discuss just a few of the 42 sections of Article 4, the Legislative department section of the state constitution.

Comparisons are often made between the United States constitution and the constitutions of the various states. The federal constitution has been amended only 27 times in its 217-year history. The New Mexico constitution has been amended over 150 times in its 95-year history. This is not to imply that our state's constitution has required a lot more "fixing" than the nation's constitution. Rather, it is because of a fundamental difference between the two. The federal constitution is a document of grant, one which expressly delegates powers to the federal government. If a power is not expressly stated by a provision of the federal constitution, or cannot be implied from a provision of the constitution, the federal government cannot exercise it. The New Mexico constitution, on the other hand, is an instrument of limitation. The state government, through its people and by implication its representative branch, has plenary, or full and complete, powers. The state government looks to the state constitution not for any specific grant of power but rather for any limitation that it may place upon the state's plenary power. If no provision or limitation is found or inferred from a state constitutional provision, then the power may be exercised.

Nowhere is this more obvious than in Article 4, Section 2 of the New Mexico constitution: "In addition to the powers herein enumerated, the legislature shall have all powers necessary to the legislature of a free state". The only amendment to this provision occurred during the height of the Cold War in 1960, when provisions were added "to guarantee the continuity and effective operation of state and local government... during periods of disaster emergency... caused by enemy attack". This provision — "all powers necessary to the legislature of a free state" — illustrates how the New Mexico constitution, like other state constitutions, provides the legislature with broad discretionary powers and serves as a constraint or limitation on the general powers of state government, rather than a conferral of governmental power.

As Ms. Tackett mentioned, some of the requirements for the legislature as set out in the New Mexico constitution are echoes of an earlier time and have

little relevance to this century. Typical of constitutions of the late 19th century and early 20th century, the state constitution contains specific checks on governmental excess of the prior age, some of which remain of value today, some of which are of questionable value and some of which are wholly anachronistic. For example:

- Article 4, Section 15 states, in part, that "No bill... shall become a law unless it has been... read three different times in each house, not more than two of which readings shall be on the same day, and the third of which shall be in full". Thirty days may not have been enough this past session to complete the full reading of the 800 combined pages of the capital outlay and general appropriations bills.
- Article 4, Section 37 states that "It shall not be lawful for a member of the legislature to use a pass, or to purchase or receive transportation over any railroad upon terms not open to the general public; and the violation of this section shall work a forfeiture of the office". A similar provision exists for the governor and other elected officials. It's unlikely, however, that the framers of the constitution fully expected a legislator to forfeit an office for taking a ceremonial ride on the RailRunner from Albuquerque to Bernalillo. Keeping in mind the broad, discretionary powers provided by the state constitution, as well as limiting and arguably antiquated provisions, let me touch on three groups of constitutional constraints that might well be examined by this task force. First, there are general provisions that mostly deal with legislative structure. Secondly, there are more specific provisions that affect the legislative process. Finally, I'll discuss one interim-specific provision that addresses a process when the legislature is not in session. As you consider the legislature's powers and constitutional constraints, think about how such provisions advance or diminish legislative effectiveness and whether they should be retained, revised or rejected. Of course, any constitutional change would require a majority vote of both houses on a joint resolution, as well as a majority of voters for a constitutional amendment to take effect.

GENERAL PROVISIONS

- Article 4, Section 5 relates to the time and length of regular sessions and Ms. Tackett has already discussed some of the proposals to revise those time frames. One of the other provisions in this section, however, states that during the short session, the legislature can only consider "budgets, appropriations and revenue bills; bills drawn pursuant to special messages of the governor; and bills of the last previous regular session vetoed by the governor", thus limiting the legislature to what it can consider during a 30-day session.
- Similarly, Article 4, Section 6 allows the governor to call a special session of the legislature, but only items in the governor's proclamation can be

considered. On the other hand, an extraordinary session may be called when three-fifths of members elected to each house certify to the governor that an emergency exists and the extraordinary session is open for "all purposes". In May 2002, for the first time in the state's history — and the only time since then — the legislature convened itself in extraordinary session. In a matter of hours, the legislature convened, passed a general appropriations act and then overrode the governor's veto of that act.

- Article 4, Section 10 provides for per diem and mileage reimbursement for legislators but "no other compensation, perquisite or allowance". This section was amended in 1944, 1953, 1971, 1982 and 1996. Ten other proposed constitutional amendments between 1961 and 1994, mostly for increases in per diem or for a legislative salary, have been defeated by the voters of the state.

SPECIFIC PROCESS-AFFECTING PROVISIONS

- The "three reading" requirement in Article 4, Section 10 may partly be due to the absence of instant document access a hundred years ago. However, it is a common provision in constitutions as a mechanism to ensure deliberativeness of the legislative branch. As Jeremy Bentham, an eighteenth-century philosopher and noted political analyst, put it, "The more susceptible a people are of excitement and being led astray, so much the more ought they to place themselves under the protection of forms which impose the necessity of reflection, and prevent surprises".
- Article 4, Section 16 has three provisions that have had extensive consideration by the courts and attorneys' general. First, the section requires that "the subject of every bill shall be clearly expressed in its title", which courts have interpreted as a provision with the primary purpose of preventing fraud or surprise by means of concealed or hidden provisions in an act that the title fails to express. Secondly, "no bill embracing more than one subject shall be passed". Courts have ruled that this provision was designed for the exclusion of discordant provisions having no rational or logical relation to each other. Finally, the section requires that "general appropriation bills shall embrace nothing but appropriations". What we commonly refer to as House Bill 2 and House Bill 2 Junior contain much more than simply appropriations, but the New Mexico supreme court has held that details of expending the money connected with and incidental to the subject of the appropriations are appropriate.
- "Blind legislation" — legislation revised in a manner that cannot be determined without resorting to the previous legislation — is prohibited by Article 4, Section 18, which requires each section to be "revised, amended or extended" to be "set out in full". Thus, the underscoring and strike-through provides each legislator as well as the public with all of the changes proposed.

- Provisions for vetoes, line-item vetoes and veto overrides are found in Article 4, Section 22. Despite artful drafting or line-item efforts, the state supreme court has stated that "[t]he Legislature may not properly abridge [the governor's veto] power by subtle drafting of conditions, limitations or restrictions upon appropriations, and the Governor may not properly distort legislative appropriations or arrogate unto himself the power of making appropriations by carefully striking words, phrases or sentences from an item or part of an appropriation". Nonetheless, New Mexico has one of the broadest veto powers in the nation: "The governor may ... approve or disapprove any part or parts, item or items, of any bill appropriating money ...".
- There are numerous other provisions that provide time constraints on the bill process specific to introduction, enrollment and engrossment, governor's approval or veto and effective dates.

INTERIM-SPECIFIC PROVISIONS

Most of the constitutional provisions are specific to session activities. As previously discussed in Ms. Tackett's remarks, the duties of legislators far exceed the 30- or 60-day session time frames.

In 1986, Article 4, Section 42 was added to the constitution allowing the creation of the senate rules committee to conduct hearings and take testimony on the nomination of gubernatorial appointments during the interim.

This past year, the legislature was faced with the unfortunate task of considering the impeachment of an elected official. While the "sole power of impeachment" resides with the house of representatives, there is nothing in the constitution that provides for an impeachment process when the house is not in session. As a result, the legislative council appointed an interim committee and a special counsel to investigate the circumstances regarding the possible impeachment. The legislature was ready, had it been necessary, to convene itself into extraordinary session to consider the impeachment of the elected official.

This is not necessarily to recommend that a house impeachment interim committee be allowed, but rather to consider what kinds of activities may warrant constitutional provisions allowing — or limiting — legislative action when not in session.

The provisions I've discussed here are presented only as examples of their general or specific nature and not as ones necessarily needing revision. With the understanding that this task force should consider reforms to all aspects of the legislature's structure and process and be reluctant to take anything off the table, it is ultimately the legislature and the voters that must determine whether a constitutional amendment is sufficiently important to be given an enduring and controlling position.

In preparing these remarks, I had the assistance of Professor Michael Browde from the university of New Mexico school of law, who was unable to attend today. I also had the assistance of the writings of a long-time assistant director of the legislative council service, Dick Folmar, who died earlier this year. In 1969, he was researching some information for the constitutional convention and he had this to say about how the legislature should be treated, or at least regarded: "For those ... who may yet be burdened by ... apprehensions concerning the legislature and the exercise of its broad discretionary powers, there should be the gentle reminder that the first step on the road to totalitarianism has always been the destruction of the representative branch. The representative branch, whatever may be the merits of the newer devices of democracy, remains the foundation of responsible government".

Mr. Chairmen, I stand for questions.

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Information Memorandum No. 202.164331

TO: Members of the Legislative Structure and Process Study Task Force

FROM: Paula Tackett and John Yaeger

SUBJECT: INTERIM COMMITTEES — 2006 UPDATE

This memorandum addresses the process by which interim committees are created, how members are appointed to them, the increase in the number of committees and the increase in the size of the committees. Any opinions are those of the authors and not necessarily those of the legislative council or any other member of its staff.

A preliminary report was prepared on this topic in October 2000 and updated in 2002. This report updates and replaces those reports.

I. Creation and Appointment of Interim Committees

Types of Interim Committees

For the purpose of comparing the methods of creating interim committees and appointing members to them, it is helpful to divide the committees into categories so the various methods can be compared among similar committees. New Mexico's interim committees can generally be divided into five categories as follows:

1. "permanent" interim committees, which are the legislative council, the legislative education study committee (LESC) and the legislative finance committee (LFC) and which all have their own staffs;

2. "issue-oriented" interim committees, regardless of whether they are created by statute or by the council, such as the revenue stabilization and tax policy committee and the courts, corrections and justice committee;

3. "oversight" interim committees, such as the New Mexico finance authority oversight committee and the Mortgage Finance Authority Act oversight committee;
4. "task-oriented" committees, such as the funding formula study task force and, to use examples from previous years, the campaign finance and election reform committee and the tobacco settlement committee; and
5. "special" interim committees, such as the interim legislative ethics committee and the legislative committee on compacts.

While the division of committees among these categories may in some cases seem arbitrary, especially the division between "issue-oriented" and "task-oriented" committees, the categorization is helpful when examining the differences among the committees.

Differences Among Committees Within the Same Category

Permanent Committees. Most of the provisions creating the legislative council, LESC and LFC are consistent. Senators are appointed to all three committees by the committees' committee; representatives are appointed by the speaker, but minority members are appointed in consultation with the minority leader. The statutes creating all three committees provide for proportional membership among the two political parties with the greatest membership in the legislature. A "blocking" provision is also included in each of the statutes creating the three committees, prohibiting any action from being taken by any of the committees if a majority of the total membership on the committee from either house rejects the action.

Although the sizes of the permanent committees differ, with the LESC having 10 members, six from the house and four from the senate, and the LFC and the legislative council each having 16 members, with equal numbers from the house and senate, there are only two substantive differences among the statutes creating the three committees: (1) the terms of the members; and (2) the authority of LFC members to designate voting substitutes. The relevant sections on the terms are set out below.

Legislative Council: "The members shall be appointed for terms of two years or less expiring on the first day of the regular session in odd-numbered years." (Section 2-3-1 NMSA 1978.)

Legislative Education Study Committee: "The committee members shall be appointed for two-year terms which shall expire on the first day of each odd-year session." (Section 2-10-1 NMSA 1978.)

Legislative Finance Committee: "Members shall be appointed for terms of two years and shall serve from the time of their appointment until the end of the next session of the legislature." (Subsection B of Section 2-5-1 NMSA 1978.)

The rationale for the different wording on the terms of LFC members was based on historical need to have the LFC be responsible for its budget through the session.

Issue-oriented Interim Committees. The issued-oriented interim committees, whether created by statute or by the council, are consistent in their provisions requiring proportional membership and prohibiting action if the majority of the total membership from either house rejects such action. There are inconsistencies, however, in: (1) whether the committee is created by statute or by the council; (2) whether the council or another authority appoints members; and (3) whether council members may serve on the committee. Other differences include whether the committee may meet in December and how the chair and vice chair are selected.

For example:

* members are appointed to issue-oriented committees in several ways. The legislative council appoints members to the legislative health and human services committee, but the committees' committee and the speaker appoint members to the revenue stabilization and tax policy committee, and council-created committees are appointed by the same appointing authorities that appoint the council;

* members of the council may not serve as voting members on council-created or council-appointed committees, such as the legislative health and human services committee, but the council may appoint council members as voting members to the radioactive and hazardous materials committee because the statute creating that committee contains an exception to that prohibition;

* the council appoints the chair and vice chair of the legislative health and human services committee, the radioactive and hazardous materials committee and all council-created committees, but by statute the members of the revenue stabilization and

tax policy committee are to elect their own chair and vice chair; and

* council-created committees must conclude their work by November 30 each year, but committees created by statute may meet later than that date if their statutory authorization allows. Additionally, council-created committees may extend their work for one month with the permission of the legislative council. This extension is often included in the committee's work plan.

In a practical sense, there is little functional difference among the issue-oriented interim committees, whether created by statute or by the council. The committees generally study issues (such as tax policy, criminal justice, Indian affairs, economic development and health and human services) on an ongoing basis, with an expectation that the work will continue from one interim to the next. This is reflected both in the nature of the committees' work and in the general consistency of each committee's membership from one interim to the next. The membership on the issue-oriented interim committees is generally consistent from one interim to the next, within the same legislature. The committees frequently serve as an initial screening for legislation that will be assigned to a related standing committee of each chamber in the subsequent session, although many observers have noted that this function could be strengthened.

Yet, despite these similarities, there are significant and sometimes confusing differences in other aspects, such as how members are appointed, who is eligible to be appointed, how the chairs are appointed and whether the committee may meet later than December 1.

Two options are available to ensure consistency in the appointment process of issue-oriented interim committees:

1. repeal the statutes creating the legislative health and human services committee, the radioactive and hazardous materials committee and the revenue stabilization and tax policy committee and, by council action, create committees to study those and other issues as the council deems necessary; or

2. amend statutes, perhaps with uniform sunset provisions, creating the various issue-oriented interim committees that are appointed each year and take the opportunity to make the various provisions consistent.

A question to be considered is whether it is desired to allow council members to serve as voting members of issue-oriented interim committees, such as the revenue stabilization and tax policy committee and the radioactive and hazardous materials committee. The history of this prohibition stems from the fact that the first legislative council could serve on all substantive, issue-oriented interim committees. That legislative council statute was repealed, and its successor was created with the specific prohibition against legislative council members serving on committees created or appointed by the council.

Regardless of which, or even whether, one of the two above options is pursued, consideration could be given to appointing members to two-year terms to issue-oriented interim committees, while retaining the flexibility to fill vacancies or change membership as necessary or desired from one interim to the next. (A decision to appoint members to two-year terms to issue-oriented interim committees created by the council, or any other committee created by the council, would either require a technical change in the statute requiring such committees to terminate by December 1 of the year in which they were created or adoption of a council policy that allows for a committee's membership to continue to the second interim if the committee is re-created by the council.)

Task-oriented Committees. Task-oriented committees are generally more narrowly focused and short-lived than issue-oriented interim committees, and they sometimes include nonlegislative members. The differences among task-oriented committees are similar to the differences among issue-oriented interim committees. Problems stemming from those differences are mitigated, however, by the fact that task-oriented committees are generally short-lived and, therefore, the differences expire with the committee.

One difference is whether a task-oriented committee is created by statute or by the council. An advantage in creating a task-oriented committee by statute is that its duties may be discussed in advance, negotiated, agreed upon and spelled out as the statute creating it is deliberated. On the other hand, creating a task-oriented committee by statute limits the council's ability to modify the committee's duties or assign similar tasks to a single committee. For example, in 1999, had the teacher merit pay task force not

been created by statute, its duties might reasonably have been assigned that year to the council-created education initiatives and accountability task force or the LESC.

It may make sense to create task-oriented committees by statute when the intent is to: (1) authorize different authorities, such as the minority leaders or the governor, to make appointments; (2) designate specific public members or members of other agencies or branches of government to serve; (3) enact some agreed-upon limits on the committee's duties while conferring upon it some statutory authority; or (4) enact additional specific budgetary requirements for the committee to meet. However, since each of the items above could also be accomplished through council action without legislation, serious consideration could be given to creating committees through statute only as a last resort.

Oversight Interim Committees. Among the oversight interim committees, significant differences include provisions regarding the appointing authorities and committee termination.

For example:

- * the statute creating the New Mexico finance authority oversight committee states simply that the legislative council shall determine the size of the committee and appoint its members in accordance with council policy, while the sizes of the other oversight committees are set in the statutes creating the committees or determined by the council when creating the committees;

- * the members to the committees are appointed variously by the speaker and the committees' committee (tobacco settlement revenue oversight committee), the speaker and the president pro tempore (Mortgage Finance Authority Act oversight committee) and the legislative council (welfare reform oversight committee); and

- * only one statutorily created oversight interim committee has a termination date and "blocking" provision (welfare reform oversight committee).

There may be merit in creating oversight interim committees by statute rather than through council action because doing so gives the committee the stature and authority it needs to perform its oversight function. However, there may also be merit in including sunset dates and "blocking" provisions in the statutes creating the committees, and in

standardizing the appointing authorities.

II. Number and Workload of Interim Committees

The number of interim committees has risen during the last 25 years. This year, there are 23 committees. In 2002, 22 interim committees were named, in 2001, 20 were named, in 2000, 22 interim committees were named, and in 1999, 24 were named, up from 18 in 1989 and up from 11 in 1979. (These figures do not include appointments of members to the education commission of the states, the commission on uniform state laws, the judicial council, the organized crime oversight committee, the senate rules committee, the Children's Code task force, the interim legislative ethics committee or the legislative committee on compacts in 2000 or later.)

The size of the committees has also increased. In 1979, the median number of voting members on a committee was eight. By 1999, the median number of voting members had increased to 10.5. And by 2006, the median number had increased to 12. However, the biggest increase was in advisory members, a virtually nonexistent concept in 1979. In 1999, the median number of advisory members on committees was six, ranging from no advisory members on some committees up to 18 advisory members on the revenue stabilization and tax policy committee. By 2006, the median number of advisory members had increased to eight, with 21 advisory members on one committee.

Even more significant is the increase in the number of members appointed to committees coupled with the increase in the number of committees. In 1979, only five of the 11 committees had 10 or more voting members; by 1989, the number had increased to 11 out of 18; and in 1999, 14 out of 24 committees had 10 or more voting members. In 2002, 14 of 22 interim committees had 10 or more voting members. In 2006, 17 of the 23 committees had 10 or more voting members.

In 1998, the 16 issue-oriented interim, task-oriented and oversight interim committees met for a total of 160 days. In 1999, the 20 issue-oriented interim, task-oriented and oversight interim committees met for more than 175 days. In 2001, the 17 issue-oriented, task-oriented and oversight interim committees met for more than 140 days.

The resulting scheduling demands on members are significant. Each interim, some committees occasionally have trouble making quorums.

III. Recommendations

The foregoing discussion suggests the interim committee creation and selection process could be made more consistent and the entire process made more efficient.

One option to help accomplish this is to assign a small number of members of the legislative council, the LESC and the LFC to meet briefly at the beginning of each interim to review the interim process, including committee jurisdictional overlap, committee size and other issues, and make recommendations to the council before committees are appointed.

Other recommendations are:

1. create "issue" committees either through council action or through statute, but not both;
2. create task forces through statute as a last resort, after fully considering options to create an acceptable task force through council action;
3. amend the statutes creating oversight committees to include sunset provisions and standardized appointment, proportionality and blocking provisions;
4. consider making appointments to all committees for two-year terms, beginning with the odd-year interim; and
5. consider the possible scheduling problems when creating interim committees and when appointing members to them.

Table A

Categories of Interim Legislative Committees

As They Existed in 1999

Permanent Committees

Legislative Council
Legislative Education Study Committee
Legislative Finance Committee

Issue-oriented Interim Committees

Courts, Corrections and Criminal Justice Committee (LC-created)
Economic and Rural Development and Telecommunications Committee
(LC-created)
Indian Affairs Committee (LC-created)
Legislative Health and Human Services Committee (Statutory)
Radioactive and Hazardous Materials Committee (Statutory)
Revenue Stabilization and Tax Policy Committee (Statutory)
Water and Natural Resources Committee (LC-created)

Task-oriented Committees

Campaign Finance and Election Reform Committee (LC-created, two years)
Education Initiatives and Accountability Task Force (two years)
Land Use Committee (two years)
Subcommittee on Reorganization (Legislative Council subcommittee, one year)
Special Advisory Subcommittee on Corrections (Subcommittee of CCCJ
and LFC, one year)
Teacher Merit Pay Task Force (Statutory, one year)
Tobacco Settlement Committee (Statutory, one year)

Oversight Committees

Child Health Program Oversight Committee
Information Technology Oversight Committee
Lottery Oversight Committee
Mortgage Finance Authority Act Oversight Committee
New Mexico Finance Authority Oversight Committee
Organized Crime Oversight Committee
Welfare Reform Oversight Committee

Special Committees

Committee on Compacts (Statutory, on-call)
Interim Legislative Ethics Committee (Statutory, on-call)

As They Existed in 2000

Permanent Committees

Legislative Council

Legislative Education Study Committee
Legislative Finance Committee

Issue-oriented Committees

Courts and Criminal Justice Committee (LC-created)
Economic and Rural Development and Telecommunications (LC-created)
Indian Affairs Committee (LC-created)
Legislative Health and Human Services Committee (Statutory)
Radioactive and Hazardous Materials Committee (Statutory)
Revenue Stabilization and Tax Policy Committee (Statutory)
Water and Natural Resources Committee (LC-created)

Task-oriented Committees

Education Initiatives and Accountability Task Force (LC-created, two years)
Land Use Committee (LC-created, two years)
Legislative Health Subcommittee (Subcommittee of HHS and LFC; LC-created)
Public School Capital Outlay Task Force (LC-created per a joint memorial)

Oversight Committees

Child Health Program Oversight Committee
Corrections Oversight Committee
Information Technology Oversight Committee
Lottery Oversight Committee
Mortgage Finance Authority Act Oversight Committee
New Mexico Finance Authority Oversight Committee
Tobacco Settlement Revenue Oversight Committee
Welfare Reform Oversight Committee

Special Committees

Legislative Committee on Compacts (Statutory, on-call)
Interim Legislative Ethics Committee (Statutory, on-call)

As They Existed in 2006

Permanent Committees

Legislative Council
Legislative Education Study Committee
Legislative Finance Committee

Issue-oriented Committees

Courts, Corrections and Justice Committee (LC-created)
Economic and Rural Development and Telecommunications Committee
(LC-created)
Indian Affairs Committee (LC-created)
Indian Education Act Subcommittee (LC-created)
Land Grant Committee (LC-created)

Legislative Health and Human Services Committee (Statutory)
Radioactive and Hazardous Materials Committee (Statutory)
Revenue Stabilization and Tax Policy Committee (Statutory)
Water and Natural Resources Committee (LC-created)

Task-oriented Committees

Capital Outlay Subcommittee (LC-created)
Funding Formula Study Task Force (Statutory, two years)
Legislative Structure and Process Study Task Force (LC-created, two years)

Oversight Committees

Information Technology Oversight Committee (LC-created)
Investments and Pensions Oversight Committee (LC-created)
Los Alamos National Laboratory Oversight Committee (LC-created)
Mortgage Finance Authority Act Oversight Committee (Statutory)
New Mexico Finance Authority Oversight Committee (Statutory)
Public School Capital Outlay Oversight Task Force (Statutory)
Tobacco Settlement Revenue Oversight Committee (Statutory)
Welfare Reform Oversight Committee (Statutory, expires December 2008)

Special Committees

Interim Legislative Ethics Committee (Statutory, on-call)
Legislative Committee on Compacts (Statutory, on-call)

Meeting Report

Legislative Structure and Process Study Task Force

Convened on Behalf of the New Mexico State Legislature
By the Legislative Council

Task Force Chairs:

Thomas A. Donnelly
Richard E. Olson

Meeting Location and Dates:

State Capitol Building
Santa Fe, NM
October 30-31, 2006

Meeting Facilitated by:

New Mexico First
320 Gold Avenue, SW
Suite 300
Albuquerque, NM 87102
505-241-4813
heatherb@NMFirst.org



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Introduction

On October 30 and 31, 2006, the Legislative Structure and Process Study Task Force (Task Force) met to further discuss current practices and possible reforms that may help improve the legislative process. To assist the Task Force in its work, New Mexico First, a nonprofit, nonpartisan organization that uses a consensus-building approach to identify and make recommendations about topics important to the state's future, was invited to provide facilitation services.

The Task Force identified two objectives for the facilitated portion of the meeting:

2. Reach consensus on a vision statement describing a future legislature that had been successful in implementing the reforms recommended by the Task Force. This statement would then serve to guide the Task Force when developing the list of possible reforms.

4. Identify possible reforms and from that list, make an initial determination regarding the ones considered to be priorities for which the Task Force wanted additional information.

This report contains the Task Force meetings results in these two areas.

Participants

Task Force Members

The Legislative Structure and Process Study Task Force consists of the following members:

Thomas A. Donnelly, Co-Chair
Richard E. Olson, Co-Chair
Rep. Janice E. Arnold-Jones
Rep. Ray Begaye
Sen. Mark Boitano
Max Coll
Linda M. Davis
Charles Dorame
Marie Eaves
F. Chris Garcia
William H. Humphries
Tommy Jewell
Judy K. Jones
Rep. Larry A. Larranga
Willard Lewis
David McCumber
Brian McDonald

Sen. Cynthia Nava
Sen. Steven P. Neville
Sen. William H. Payne
Sen. Gerald Ortiz y Pino
Murray Ryan
Sen. Nancy Rodriguez
Rep. Henry Kiki Saavedra
Rep. Thomas C. Taylor
Anthony Williams
Rep. Peter Wirth
Rep. Donald E. Bratton
Sen. Stuart Ingle
Rep. Al Park
Kim Seckler
Marilyn O'Leary

Legislative Staff

Staff from the Legislative Council Service (LCS) provided logistical support and expertise throughout the two-day meeting. They included: Paula Tackett, LCS Director, John Yaeger, Assistant Director for Legislative Affairs and Raul E. Burciaga, Assistant Director for Drafting Services. Staff from the Legislative Finance Committee, the Legislative Education Study Committee and the House and Senate Chief Clerk's Offices were also in attendance.

New Mexico First

New Mexico First's team was led by the organization's President, Heather Balas. She was aided by Jennifer Salisbury, Michelle Henrie, and Kathy Komoll, all of whom are experienced discussion leaders and recorders using the New Mexico First process.

Vision Statement

For this portion of the meeting, the members of the Task Force were assigned to two small groups and asked to consider the following hypothetical statement: ***The year is 2012. We are celebrating New Mexico's 100th anniversary of statehood. Several years before, your Task Force had successfully reformed the legislature to make it among the most effective in the nation. What does the legislature look like?***

Discussion leaders then provided each group member with an opportunity to describe this future legislature and address any questions or concerns raised by others in the group about his or her thoughts. After all the ideas had been collected on flip charts, members identified those that most reflected their vision of an effective legislature. The group's recorder used this prioritized list to draft a short statement, which was then discussed and revised until consensus was reached.

The two groups reconvened and both vision statements were presented to the entire Task Force. There was general agreement that the statements had many similarities. Task Force members were encouraged to seek further clarification on any portion of either statement and several asked questions. The two vision statements were merged into one and provided to the Task Force to consider and approve. After further discussion, which included making additional revisions, the Task Force reached consensus on the following statement.

Vision for the Legislature

The New Mexico Legislature is a transparent decision-making body in which public opinion is solicited, valued and respected. The citizens understand the legislative process and actively engage in it. This participation is enabled by education and effective communication through the use of technology. As a result, members of the public can negotiate the legislative system.

Because New Mexico chooses to retain its citizen legislature, it uses effective tools that allow it to be deliberative, focused and thoughtful. The Legislature's streamlined bill system utilizes efficient computer programs that allow the Legislature's most essential functions to be addressed and accomplished in a timely way. In addition, the legislators have the resources, staff, and physical facilities they need to do their jobs well.

The Legislature assumes a strong position among the branches of New Mexico government. It has oversight of state agencies and the capital outlay system. Most importantly, it effectively allocates public revenues.

The Legislature has adopted a proactive, non-polarized approach to governing the state. Legislators act for the good of the state as well as their individual districts. They exhibit the highest degree of self-discipline and leadership. All participants in this process, including elected officials, lobbyists, and other citizens, treat one another with respect.

As a result of the task force's restructuring, the Legislature achieves informed deliberation, which allows it to sustain New Mexico's unique blending of Southwestern rural, urban, and Native American lifestyles.

Possible Reforms

While in their small groups, Task Force members began the process of identifying possible legislative reforms. To do this, group members were asked to describe briefly any reforms they believed should be included. Other members of the group could ask clarifying questions, if necessary, but advocacy was discouraged because of time constraints. About 60 possible reforms were generated from both small groups. After reviewing the combined list, the staffs of the Legislative Council Service and New Mexico First merged similar ideas and grouped the remaining ones into four categories: session workload; interim workload; public input; and institutional structure. Two ideas relating to the capital outlay process were considered outside the scope of the jurisdiction of the Task Force and they were referred to Capital Outlay Subcommittee of the Legislative Council as the more appropriate forum for addressing the suggested reforms.¹ However, the Task Force felt that capital outlay is so important that it asked for a report from the Subcommittee to be presented during the December Task Force meeting.

Task Force members were given the opportunity to discuss the merits of each of the remaining ideas and ask clarifying questions. This resulted in amendments being made to several of the proposals. In addition, for various reasons, the Task Force agreed a few of the ideas did not warrant further action at this time, and they were deleted from the list.² One potential reform related to performing background checks for session employees was referred to the Legislative Council.³

To determine the level of support for each idea, Task Force members were asked to answer the following question: **Do you support this idea being a potential task force recommendation knowing that additional research and deliberation are called for?**

A vote was taken for on each potential reform. The following tables list the reforms and their degree of support. Several Task Force members emphasized that proposals having unanimous or majority support needed further research and, after that information is made available at a future meeting, members' positions on the possible reforms could change.

At the end of the meeting, Task Force members were asked to identify the reforms they believed should be considered top priorities. The ideas that the Task Force considered as well as voting results are listed in the charts below. Proposed reforms that received six votes or more are highlighted in grey. In addition, the charts identify legislative process reforms that have been previously propose.⁴

¹ Capital outlay issues listed below were referred to the Subcommittee:

- a. In the House, capital outlay decisions need to be decided by individual legislators, not subcommittees (mirror Senate process).
- b. The legislature should very carefully screen every capital project.

² Deleted reforms included: Report attendance of standing committee meetings on the website, but note duplicative obligations and excused absences; figure out how to build more time into the process to make it more effective; reduce the number of advisory committee members; train members for leadership positions; hire more part time legislative staff; and elect one senator per county. A proposed reform to require members to participate on interim committees was withdrawn.

³ One proposed reform was referred to the LCS. It read: Perform background checks on temporary session workers.

⁴ See Report entitled "Previously Proposed Legislative Structure and Process Reforms" prepared by Legislative Council Service.

TOPIC: Session Workload

Reforms for which there was unanimous support for further consideration			
1	Reduce amount of legislation introduced and considered; limit introductions to a manageable number.	Legislative Reform Study Comm. (1988)	10
2	Improve committee process to reduce duplication and avoid redundant hearings, including: greater use of "Do Not Pass" committee reports; adopting those reports by voice vote; better use of committee time so double and triple referrals of weak bills are not necessary to prevent those bills from moving on; and motivating legislators to reject "bad" bills.		7
3	Develop joint sponsorship procedure with a single introduction to eliminate duplicate pieces of legislation.	Legislative Reform Study Comm.(1988); Comm. Process Study Subcommittee (2002)	6
4	Separate legislative days from calendar days		2
5	Change scheduling to require the most essential functions (e.g., HB 2) to be addressed and accomplished early in the process.		2
6	Identify and recruit qualified session staff; provide them comprehensive training.		2
7	Review and improve scheduling to ensure session committee meetings start on time.	NM First Town Hall on the Structure of Govt in NM(1994)	1
8	Impose and enforce earlier deadline to introduce legislation.	Legislative Reform Study Comm. (1988)	1
9	Make every effort to ensure that floor sessions start on time.		0
10	Reevaluate honoring Memorials to streamline the process. Consider providing other honoring opportunities on specifically designated days, possibly Saturdays and/or Sundays; also consider limiting Memorials to 60 days sessions.		0
Reforms for which a majority of task force members supported additional consideration			
11	Eliminate Memorials related to agency mandates.		1
12	Schedule committee days without floor sessions (taking into consideration overlapping committee membership).		2
Reforms for which less than half of task force members supported additional consideration			

13	Hold no weekend floor sessions or committee meetings.		0

TOPIC: Interim Workload

Reforms for which there was unanimous support for further consideration			
14	Consolidate the function of interim committees thus reducing their size and number and avoiding duplication.	Comm. Process Study Subcmt (2002)	0
Reforms for which a majority of task force members supported additional consideration			
15	Require a specific amount of attendance at an interim committee meeting to collect per diem.		2
16	Revise interim committee process so that interim committee membership more closely matches standing committee membership.		0
17	Make Senate and House interim committee membership proportionate to Senate and House size provided a majority of the members of one house may block a proposition.		0
Reforms for which less than half of task force members supported additional consideration			
18	Allow per diem for legislator to attend limited number of committee meetings on which he or she is not appointed.		0
19	Legislators must consent to their assignment on an interim committee.		0

TOPIC: Public Input

Reforms for which there was unanimous support for further consideration			
20	Consider requiring that conference committees be open.		9

2 1	The nearest parking to the capitol should be open to the public.		1
2 2	Develop a mechanism so public has opportunities for input and to get information about legislative process.		0
2 3	Use technology to allow citizens to participate in committee hearings from remote locations.		0
2 4	Develop on-line, real-time and kiosk scheduling functions so one can know what bill is being heard in committee.		0
2 5	Develop a website primer on how citizens can participate in the legislative process.		0
Reforms for which less than half of task force members supported additional consideration			
2 6	Create citizen review committees in the districts dealing with different topics and areas.		0

TOPIC: Institutional Structure

Reforms for which there was unanimous support for further consideration			
2 7	Consider structural mechanisms to maximize the legislature's ability to override vetoes.	Constitutional Revision Committee (1995); Comm. Process Study Subcom. (2002)	8
2 8	Reform the redistricting process to maximize the number of competitive legislative seats.		4
2 9	Paperless legislature.		3
3	Consider increasing per diem or establishing expense	Governor's Task	2

0	allowance (providing staff year round).	Force on Ethics Reform	
3 1	Establish staggered terms.	Const. Revision Comm. (1995)	2
3 2	Reexamine subpoena powers.		2
3 3	Require that each piece of legislation be specific and distinct, not a "logroll"; enforce the constitution.		1
3 4	Provide the financial resources necessary to accomplish the vision.		0
3 5	Use technology so that while considering legislation, one can edit real time while allowing audience and legislators to see the edits.		0
3 6	Provide longer orientations for freshmen including a tour of the state's facilities and resources.		0
3 7	Train committee chairs and vice-chairs on best practices for running committees.		0
3 8	Clarify budget and legislative deadlines for the Executive.		0
Reforms for which a majority of task force members supported additional consideration			
3 9	Consider bi-partisan leadership of committees.		6
4 0	Redesign the legislative sessions; both length and structure.		3
4 1	Maximize the legislature's ability to provide oversight (funding, program audits, etc.) of agencies (potentially including subpoenas, promulgation of rules, and RFPs).		0
4 2	Increase House term to four years.		0
4	Encourage the use of prefilling; create an interim meeting	Legislative Reform	0

3	structure to handle hearing of bills, make accessible to the public through website.	Study Committee (1988) (to establish)	
Reforms for which less than half of task force members supported additional consideration			
4 4	Establish two 60-day sessions.	Constitutional Convention (1969); NM First Town Hall on Struct. of Govt (1994)	3
4 5	Consider establishing legislative salary.		0
4 6	Increase Senate term to six years.		0

Top-Ranked Reforms

Highest ranked reforms (those receiving four or more priority votes) include:

- Reduce amount of legislation introduced and considered; limit introductions to a manageable number.
- Improve committee process to reduce duplication and avoid redundant hearings, including: greater use of "Do Not Pass" committee reports; adopting those reports by voice vote; better use of committee time so double and triple referrals of weak bills are not necessary to prevent those bills from moving on.
- Develop joint sponsorship procedure with a single introduction to eliminate duplicate pieces of legislation.
- Consider requiring that conference committees be open.
- Consider structural mechanisms to maximize the legislature's ability to override vetoes.
- Consider bi-partisan leadership of committees.
- Reform the redistricting process to maximize the number of competitive legislative seats.

Next Steps

The Task Force discussed possible next steps. Members discussed whether any of the possible reforms could be brought before the legislature during the upcoming 60-day session. Some Task Force members cautioned that before identifying a few items for consideration in 2007, thought should be given to how the other work of the Task Force would be affected. In other words, does pulling some reform measures out for immediate action throw off the process? Would it be better to wait until after the work of the Task Force has been completed in December 2007 before any recommendations are presented to the legislature? When several Task Force members expressed a desire to read the report of this meeting before making a decision on how to proceed, further discussion was postponed until the Task Force's December meeting.

The Task Force requested that as it continues its work, in addition to the other information requested, the staff provide additional information on the following:

1. Reforms requiring constitutional action
2. Bill deadlines
3. Joint bill sponsorships/crossover
4. Legislative versus calendar days
5. Use of technology
6. Description of how interim committee process works
7. Pre-filing in other states
8. Compensation nationally
9. Meeting schedule based on population and budget.



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BILL INTRODUCTION LIMITS

State legislators are faced with two conflicting pressures. On the one hand, lawmakers are asked to sponsor a great deal of legislation because constituents and interest groups insist “there ought to be a law” for every public problem. On the other hand, legal provisions specify the length of time that most legislative bodies may remain in session. The ability to consider a steadily increasing volume of bills is not necessarily compatible with restricted session time. In response, many chambers have experimented with ways to curb the amount of legislation that enters the process. The most direct approach is to set a numerical limit on bill introductions.

Most legislative bodies using introduction limits feel that they help reduce the number of bills entering the legislative process. However, there are other views.

In support	In opposition
Reduce the number of bills	Restrict members' rights to propose bills
Reduce the amount of time spent on superfluous proposals	Restrict members' abilities to carry out their legislative responsibilities
Allow more time to process substantive legislation	Interfere with legislators' abilities to respond to emergencies or the problems of changing times
Give legislators more time to read and understand bills	Require additional staff time to monitor the number of bills introduced by each member
Reduce costs for staff, printing and paper	Lead to bills that are more general in nature and scope rather than ones targeted to specific problems

Shown below are detailed descriptions of current bill introduction limits as well as information about chambers that tried such restrictions, but subsequently eliminated the practice.

Arizona House

First imposed in 1993; set by rule.

Description: Unlimited introductions may occur during the prefilings period through 5:00 p.m. on the second day of the regular session. Thereafter, each member may be the prime sponsor of no more than seven bills—which is an increase; the original limit was five bills.

California Senate and Assembly

Senate. First imposed in 1991; set by rule.

Description: Member may introduce up to 65 bills during a session. Committee bills and resolutions are exempt from the limit. The rule may be suspended with approval of the Rules Committee.

Assembly: First imposed in 1994; set by rule.

Description: When first imposed, the limit was 50 bills. In 1996, it was reduced to 30 bills. Currently, members may introduce up to 40 bills during a regular two-year session. Constitutional amendments, committee bills and resolutions are exempt from the limit. The rule may be suspended by the Committee on Rules. The limit also does not apply to special session bills.

Colorado Senate and House

First imposed in 1977; set by rule.

Description: Originally, the limit was six bills during odd years, and the governor called the session in the even year. In 1984, the limit was amended to six bills during odd years and four during even years. In 1988, a constitutional amendment passed equalizing the length of the yearly sessions. Now, members may introduce up to five bills per year. Appropriations bills and various types of committee bills are excluded from the limit. The Committee on Delayed Bills may grant permission to exceed the limit.

Florida House

First imposed in 1980. Originally established by memorandum from the Speaker of the House; now set by rule.

Description: When first implemented, the bill introduction limit was set at eight bills; it has since been reduced. Now, a member may introduce no more than six bills during the legislative session. Bills that do not count toward the limit include (1) local bills; (2) claim bills; (3) House resolutions; (4) memorials; (5) concurrent resolutions relating to extension of a session or legislative organization or procedures; (6) trust fund bills adhering to another bill; (7) public records or public meetings exemption bills adhering to another bill; (8) joint resolutions adhering to a general bill; (9) bills introduced by a committee under Rule 7.23; (10) bills that only repeal or delete, without substantive replacement, provisions of the Florida Statutes or Laws of Florida. It takes a two-thirds vote to waive the limit.

Hawaii Senate and House

Senate. The Hawaii Senate imposed a set limit for bill introductions in 1982; it has been eliminated.

House. Established in 1998 by speaker's memorandum.

Description: The speaker urges House members to follow self-imposed limits. A representative may introduce up to 10 bills and up to five study or policy resolutions per session. The speaker, the minority leader and committee chairs are allotted extra introductions. Procedural resolutions are exempt from limitation.

Indiana Senate and House

Senate. Set by rule.

Description. During the first (odd) year of the biennium: Before January 7, members may introduce an unlimited number of bills. Between January 7 and January 21, a member may introduce two bills per business day. During the second (even) year of the biennium: Before January 6, members may introduce an unlimited number of bills. Between January 6 and January 12, a member may introduce only one bill per business day. A senator may transfer (in writing) his bill filing rights to another member.

House. Imposed in 1973, the year the legislature changed to annual sessions. Set by rule.

Description: Members may introduce an unlimited number of bills during the first year of a biennium (the odd year), but they may author only five bills during the second (even) year.

Louisiana Senate and House

First imposed in 1995. Set by constitutional amendment passed in 1994.

Description: Members may prefile an unlimited number of bills. Once session begins, however, they are limited to five bills each. Appropriations bills are excluded from the limit. There is no escape clause for the limit.

Montana Senate and House

Set by joint rule.

Description: Joint Rule 40-40 allows members of the Montana Legislature to request an unlimited number of bill or resolution drafts before December 5. After that date, a member may request the Legislative Services Division to prepare no more than seven bills or resolutions. Unused requests by one member may be granted to another member. The limits do not apply to code commissioner bills, committee bills or bills requested for a newly elected state official if so designated.

Nebraska Senate

A bill introduction limit set in 1971 was eliminated for individual members. Committees may introduce no more than eight bills in a session. Governor's bills and bills introduced upon a motion adopted by three-fifths vote (that traditionally includes appropriation bills) are exempt from the limit.

Nevada Senate and Assembly

Limit was set in 1983 and again in 1989; established by rule.

Description: The limit applies to bill draft requests. No limit is applied to bill drafts requested before session. After the eighth day of session, senators may request drafts for 4 bills and assemblymen for 2.

New Jersey Senate and General Assembly

In 1992, both chambers set bill introduction limits. The Senate limit was set by agreement between the Senate President and the Minority Leader. The General Assembly adopted a rule that limited a member to 50 bills during a session. However, both limits were removed the next session.

North Carolina House.

During the 1995 and 1997 sessions, a House rule allowed representatives to introduce only 10 public bills. Agency bills, local bills, committee bills, and resolutions are exempt from the limit. The introduction limit was eliminated in 1999.

North Dakota Senate and House

Senate. Set by rule.

Description: No member other than the majority and minority leaders may introduce more than three bills as prime sponsor after the 10th legislative day. After the 15th legislative day, no bills may be introduced. The deadline for most resolutions is the 18th legislative day; for amendments to the state constitution and study resolutions, it is the 31st legislative day. Authorization to exceed the limits takes a majority vote of the Delayed Bills Committee or a two-thirds vote of the full Senate.

House. Set by rule.

Description: No member other than the majority and minority leaders may introduce more than five bills as prime sponsor after the fifth legislative day. After the 10th legislative day, no bills may be introduced. The deadline for most resolutions is the 18th legislative day; for amendments to the state constitution and study resolutions, it is the 31st legislative day. Authorization to exceed the limits takes a majority vote of the Delayed Bills Committee or a two-thirds vote of the full House.

Oklahoma House

Adopted in 1998 to take effect in 1999; set by rule.

Description: No member of the House may be the principal author of more than eight House bills or joint resolutions during a session of the legislature. The limit does not apply to (1) appropriations measures of which the principal author is the chair of the House Appropriations and Budget Committee; (2) reapportionment measures; (3) measures introduced according to Oklahoma Statutes, Title 75, Section 23.1; (4) measures to approve or disapprove agency rules; (5) measures to implement the Oklahoma Sunset Law; or (6) any other measures authorized by the speaker of the House.

Tennessee Senate

First adopted about 1980; set by rule.

Description: An unlimited number of bills may be prefiled. From the third legislative day until the tenth, each member may introduce only nine general bills. After the tenth legislative day, no general bills may be introduced without suspension of the rules. The limit may be exceeded upon approval from the Delayed Bills Committee or upon two-thirds vote to suspend the rules.

Virginia Senate and House

First adopted in 2001; set by joint resolution.

Description: An unlimited number of bills may be prefiled. After the first day of session, each senator now may introduce only eight bills or joint resolutions and each delegate may introduce only five bills or joint resolutions. The original limits were 10 for senators and six for delegates.

Washington House

The 10-bill introduction limit set for the 1981-82 biennium has been eliminated.

Wyoming Senate

First adopted in 1994; set by rule.

Description: Senators may introduce seven bills during the first session of the biennium (odd-numbered year) and three bills during the second session (even-numbered year). Appropriations bills and committee-sponsored bills are excluded from the limit. In the general session (odd-numbered year), the limit also does not apply to any bill the sole purpose of which is to repeal existing statutes. The limit may be suspended by two-thirds vote.

As of January 2003.

2005 State Legislator Living Expense Allowance During Interim

<i>State</i>	<i>Interim Per Diem (Living Expense Allowance)</i>
Alabama	\$2280/month (U). \$50/day for committee meetings and \$75/day attendance other legislative business. Not restricted to meals and lodging.
Alaska	\$150/day (V).
Arizona	\$35/day with prior approval of presiding officer (V) set by statute. Additional \$25/day for those outside Maricopa County.
Arkansas	\$125/day plus mileage (V) tied to federal rate.
California	No per diem is paid.
Colorado	\$99/day per diem plus actual expenses (V).
Connecticut	No per diem is paid.
Delaware	No per diem is paid.
Florida	\$103/day.
Georgia	\$128/day (V) set by the Legislature. A committee roster is submitted with the members who attended the meeting. Those that did not attend do not get paid.
Hawaii	\$10/day for official business on island of legal residence; \$80/day for business on another island (V) set by the legislature.
Idaho	Members are reimbursed for actual expenses (V).
Illinois	No per diem paid.
Indiana	\$134/day (V) tied to federal rate.
Iowa	\$86/day (U) set by the legislature. In addition, legislators may request reimbursement for meals, hotel/motel and air fare. State mileage rates apply.
Kansas	During interim committee meetings, members receive \$91/day tied to federal rate, plus round trip tolls and mileage reimbursement at 40¢. All legislators receive \$328.05 (U) for 20 pay periods (\$6,561) considered taxable income.
Kentucky	Vouchered only.
Louisiana	\$113/day (U) tied to federal rate.
Maine	Actual attendance reimbursed at: \$55 per diem; and actual cost of meals & mileage/housing expense, upon approval of committee chair or presiding officer.
Maryland	\$96/day lodging; \$39/day meals related to official business (V) tied to federal rate and compensation commission.
Massachusetts	No per diem is paid.
Michigan	No per diem is paid.
Minnesota	Senators receive \$66/day and Representatives receive \$56/day per approval of committee chair or leadership (U) set by the legislature.
Mississippi	\$91/day for committee meetings (U) tied to federal rate. \$1,500 allowance (U).
Missouri	No per diem is paid.
Montana	In state rate for meals, receipt not required. In state rate for lodging and mileage receipt required (V). Claim form required.
Nebraska	No per diem is paid. Actual expense reimbursed with expense vouchers provided.
Nevada	Statutory amount (V) maximum allowable per diem is paid regardless of actual expenses.
New Hampshire	No per diem is paid.
New Jersey	No per diem is paid.
New Mexico	\$181/day(V) tied to federal rate.
New York	Varies (V) tied to federal rate.
North Carolina	\$104/day (V) set by statute.
North Dakota	During interim committee meetings, members receive \$100/day, \$25/day meals (U); \$50 plus tax/day lodging (V) plus round trip mileage reimbursement at 37.5¢/mile. All members receive a \$350/month allowance for expenses during their term of office.
Ohio	No per diem is paid.
Oklahoma	\$25/day (U) set by the legislature.

2005 State Legislator Living Expense Allowance During Interim

Oregon	\$91/day committee and task force meetings (U) tied to federal rate.
Pennsylvania	\$128 (V) tied to federal rate. Can receive actual expenses or per diem.
Puerto Rico	\$93/day within 35 miles of the capitol; \$103/day beyond the 35 miles limit (U) tied to CPI.
Rhode Island	No per diem is paid.
South Carolina	Member attending official meetings is eligible for \$95/day subsistence and \$35/day per diem (V) tied to federal rate.
South Dakota	\$110 per diem for each day of a committee meeting (U). Mileage and lodging expenses are paid at state rate.
Tennessee	\$141/day (U) tied to federal rate.
Texas	\$128/day.
Utah	\$39/day (U).
Vermont	Actual cost plus mileage (U) set by the legislature.
Virginia	\$200/day additional compensation for committee meeting attendance. No per diem is paid.
Washington	\$90/day. Tied to federal rate (80% Olympia area). Maximum allowable per diem is paid regardless of actual expenses.
West Virginia	\$115/day (U) set by compensation commission
Wisconsin	Per diem is paid year round up to \$88/day (U) set by compensation commission (90% of federal rate).
Wyoming	\$80/day (V) by the legislature. Includes travel for those where meetings aren't in "hometown".

(V) Vouchered

(U) Unvouchered

N/R = No Response

Note:

Although the definition of "per diem" is daily expense allowance, it also is used in some states to refer to an interim salary that is taxed and reported as income separate from the annual salary.

2007 State Legislator Compensation and Living Expense Allowances During Session

State	2007 - What is the base salary (annual or daily rate) for state	2007 - What is the session per diem rate for state legislators?
Alabama	\$10/day (C)	\$2,280/month plus \$50/day for three days during each week that the legislature actually meets during any session (U).
Alaska	\$24,012/year	\$163 or \$218 /day (depending on the time of year) tied to federal rate. Legislators who reside in the Capitol area receive 75% of the federal rate.
Arizona	\$24,000/year	\$35/day for the 1st 120 days of regular session and for special session and \$10/day thereafter. Members residing outside Maricopa County receive an additional \$25/day for the 1st 120 days of reg. session and for special session and an additional \$10/day thereafter (V). Set by statute.
Arkansas	\$14,765/year	\$130/day (V) plus mileage tied to federal rate.
California	\$113,098/year	\$162/day for each day they are in session.
Colorado	\$30,000/year	\$45/day for members living in the Denver metro area. \$99/day for members living outside Denver (V). Set by the legislature.
Connecticut	\$28,000/year	No per diem is paid.
Delaware	\$42,000/year	No per diem is paid.
Florida	\$30,996/year	\$126/day (V) tied to federal rate. Earned based on the number of days in session. Travel vouchers are filed to substantiate.
Georgia	\$17,342/year	\$173/day (U) set by the Legislative Services Committee.
Hawaii	\$35,900/year	\$120/day for members living outside Oahu; \$10/day for members living on Oahu (V) set by the legislature
Idaho	\$16,116/year	\$122/day for members establishing second residence in Boise; \$49/day if no second residence is established and up to \$25/day travel (V) set by Compensation Commission.
Illinois	\$57,619/year	\$125/per session day
Indiana	\$11,600/year	\$137/day (U) tied to federal rate.
Iowa	\$25,000/year	\$118/day (U). \$88.50/day for Polk County legislators (U) set by the legislature to coincide with federal rate. State mileage rates apply.
Kansas	\$84.80/day(C)	\$99/day (U) tied to federal rate.
Kentucky	\$180.54/day (C)	\$108.90/day (U) tied to federal rate (110% Federal per diem rate).
Louisiana	\$16,800/year + additional \$6,000/yr (U) expense allowance.	\$138/day (U) tied to federal rate (26 U.S.C. Section 162(h)(1)(B)(ii))
Maine	\$12,713/year	\$38/day housing, or mileage and tolls in lieu of housing (at rate of \$0.36/mile up to \$38/day) plus \$32/day for meals. Per diem limits are set by statute.
Maryland	\$43,500/year	Lodging \$116/day; meals \$41/day maximum.
Massachusetts	\$58,237.15/year	From \$10/day-\$100/day, depending on distance from State House (V) set by the legislature.
Michigan	\$79,650/year	\$12,000 yearly expense allowance for session and interim (V) set by compensation commission.

2007 State Legislator Compensation and Living Expense Allowances During Session

Minnesota	\$31,140.90/year	Senators receive \$96/day and Representatives receive \$77/legislative day (U) set by the legislature.
Mississippi	\$10,000/year	\$91/day (U) tied to federal rate.
Missouri	\$31,351/year	\$79.20/day (U) tied to federal rate. Verification of per diem is by roll call.
Montana	\$82.67/day(L)	\$98.75/day (U).
Nebraska	\$12,000/year	\$99/day outside 50-mile radius from Capitol; \$39/day if member resides within 50 miles of Capitol (V) tied to federal rate.
Nevada	\$130/day maximum of 60 days of session for holdover Senators, \$137.90/day for all other legislators.	Federal rate for Capitol area (U). Legislators who live more than 50 miles from the capitol, if require lodging, will be paid HUD single-room rate for Carson City area for each month of session.
New Hampshire	\$200/two-year term	No per diem is paid.
New Jersey	\$49,000/year	No per diem is paid.
New Mexico	None	\$142/day (V) tied to federal rate & the constitution.
New York	\$79,500/year	Varies (V) tied to federal rate.
North Carolina	\$13,951/year	\$104/day (U) set by statute. \$559.00/month expense allowance.
North Dakota	\$125/day(C)	Lodging reimbursement up to \$900/month (V).
Ohio	\$58,933.56/year	No per diem is paid.
Oklahoma	\$38,400/year	\$122/day (U) tied to federal rate.
Oregon	\$18,408/year	\$99/day (U) tied to federal rate.
Pennsylvania	\$73,613/year	\$129/day (V) tied to federal rate. Can receive actual expenses or per diem.
Rhode Island	\$13,089.44/year	No per diem is paid.
South Carolina	\$10,400/year	\$119/day for meals and housing for each statewide session day and committee meeting tied to federal rate.
South Dakota	\$12,000/two-year term	\$110/legislative day (U) set by the legislature.
Tennessee	\$18,123/year	\$153/legislative day (U) tied to federal rate.
Texas	\$7,200/year	\$139/day (U) set by Ethics Commission.
Utah	\$130/day(C)	\$90/day (U) lodging allotment for each calendar day, tied to federal rate, \$54/day meals (U).
Vermont	\$600.78/week during session \$118 per day for special sessions or interim committee meetings	Federal per diem rate for Montpelier is \$88/day for lodging and \$51/day for meals for non-commuters; commuters receive \$51/day for meals plus mileage.
Virginia	\$18,000/year Senate \$17,640/year House	House - \$135/day (U) tied to federal rate. Senate \$140 (U) tied to federal rate.
Washington	\$36,311/year	\$90/day
West Virginia	\$15,000/year	\$115/day during session (U) set by compensation commission.

2007 State Legislator Compensation and Living Expense Allowances During Session

Wisconsin	\$47,413/year	\$88/day maximum (U) set by compensation commission (90% of federal rate). Per diem authorized under 13.123 (1), Wisconsin Statutes, and Leg. Joint Rule 85. 20.916(8) State Statutes and Joint Committee on Employment Relations (JCOER) establishes the max. amount, according to the recommendations of the Director of the Office of State Employment Relations. The leadership of each house then determines, within that maximum, what amount to authorize for the session.
Wyoming	\$150/day(L)	\$85/day (V) set by the legislature, includes travel days for those outside of Cheyenne.

L = Legislative day
 C = Calendar day
 (V) Vouchered (U) Unvouchered
 N/R = No Response

NCSL 2007

State Legislators' Travel Allowances 2005

State	Mileage	Access to State Autos	Credit Card	Phone Card/Phone Allowance
AL	10¢/for a single roundtrip per session; 48.5¢/mile interim cmte attendance.	No	No	Yes - official state business only
AK	40.5¢/mile for travel approved.	No	No	Yes - legislative business only
AZ	34.5¢/mile on actual miles	Access to motor pool for legislative trips only	No	Phone cards are allowed for certain districts.
AR	48.5¢/mile until December 31, 2005	Speaker is provided a state auto	No	No
CA	Members are provided a vehicle. Mileage is not reimbursed.	Members are provided a vehicle, which they pay a portion of the payment.	Yes - official state business only.	Yes - official state business only.
CO	28¢ or 32¢ if 4wd vehicle. Actual miles paid.	No	No	Yes - official state business only
CT	40.5¢/mile	None	No	Official business only; charges for personal calls are reimbursed by legislator
DE	30¢/mile-set by statute	No	No	Yes - official business only
FL	29¢/mile for business travel	Rental cars for official business	No	Yes - official business only
GA	28¢/mile-set by legislature	No	No	No
HI	None	No	No	Yes - official business only
ID	One roundtrip per week at state rate.	No	No	Yes - during session only
IL	40.5¢/mile; tied to federal rate.	No	No	No
IN	40.5¢/mile	No	No	Yes
IA	29¢/mile; 34¢	No	No	No
KS	40¢/mile-set by Department of Administration	No	May request Visa card; state pays annual fee only	Yes - if monthly bill exceeds \$200, leadership is notified
KY	40.5¢/mile	Yes	No	No
LA	40.5¢/mile-tied to federal rate	No	No	Yes - district office line with one extension
ME	34¢/mile.	No	No	Pre-paid phone cards issued and administered by the Senate and House respectively.
MD	34¢/mile. \$500 allowance for indistrict travel as taxable income, members may decline the allowance	No	No	No
MA	Between \$10-\$100, determined by distance from State House	No	No	No
MI	41.5¢/mile	No	No	Official business only
MN	House: range of \$75-\$650 for indistrict mileage. Senate: a reasonable allowance.	Car rental is available with prior approval. Mileage reimbursement is available when using personal vehicles.	No	\$55/month; (V)
MS	40.5¢/mile-set by federal rate and Legislature	No	No	Yes
MO	37.5¢/mile	No	Yes, official business only	Yes, phone cards issued but expenditures deducted from monthly expense allowance.

State Legislators' Travel Allowances 2005

State	Mileage	Access to State Autos	Credit Card	Phone Card/Phone Allowance
MT	36¢/mile; Rate is based on IRS rate. Reimbursement for actual mileage traveled in connection with Legislative Business	No	No	Yes - leadership positions only
NE	36¢/mile; tied to federal rate	No	No	Yes - official business only
NV	34.5¢/mile	Motor pool or private; legislative police shuttle to/from Reno airport	No	\$2,800 allowance
NH	Round trip home to State House @ 38¢/mile for first 45 miles and 19¢/mile thereafter; or members will be reimbursed for actual expenses and mileage will be paid at the maximum IRS mileage rate	No	No	No
NJ	No	Yes - limited use with leadership approval	Gas cards if they are using state-leased or state-owned vehicles	Yes - no limit but to be used only for official state business
NM	40.5¢/mile--tied to federal rate	No	No	No
NY	34.5¢/mile	Top leadership has access to vehicles	No	Limited to official business
NC	29¢/mile, 1 round trip/week during session; 1 round trip for attendance at interim cmte. mtgs. with Legislative business.	No	No	Allowance of \$2,275 for postage, stationery and telephone
ND	37.5¢/mile; one round trip/week during session	No	No	Only Legislative Council members or chairmen of interim cmtes.
OH	30¢/mile; one round trip/week from home to Statehouse for legislators outside Franklin County only	No	No	Senate-related phone calls only
OK	40.5¢/mile--tied to federal rate	No	No	\$100 per month
OR	40.5¢/mile	No	No	State-provided office and district office phone for legislative business only
PA	40.5¢/mile-tied to federal rate	Can be reimbursed for business percentage of actual operating costs.	No	No
RI	40.5¢/mile to and from Session	No	No	No
SC	34.5¢/mile	No	No	Official business only
SD	32¢/mile for one round trip from Pierre to home each weekend. One trip is also paid at 5¢/mile. During the interim, 32¢/mile for scheduled committee meetings.	No	No	Telephone allowance: \$600/6 month for legislators and \$900/6 months for leadership
TN	35¢/mile	No	Diners Club. Members are responsible for pymt. After receiving reimbursement from the state.	In-state long distance only

State Legislators' Travel Allowances 2005

State	Mileage	Access to State Autos	Credit Card	Phone Card/Phone Allowance
TX	35¢/mile set by General Appropriations bill; an allowance for single, twin and turbo engines from 40¢-\$1/mile is also given	No	Members are eligible for Master Card cards for official use.	No
UT	40.5¢/mile, round trip from home to capitol	No	No	No
VT	40.5¢/mile-tied to federal rate and state employee reimbursement rate	No	No	Leaders for legislative business
VA	32.5¢/mile	No	No	Yes
WA	40.5¢/mile	No	No	For business calls only
WV	48.5¢/mile based on Dept. of Admin. Travel Regs.	No	No	Yes
WI	32.5¢/mile; one round trip/week to Capitol	No	No	From office budget
WY	35¢/mile	No	No	Telephone credit card for official business only with a \$2,000 limit during 2 yrs.

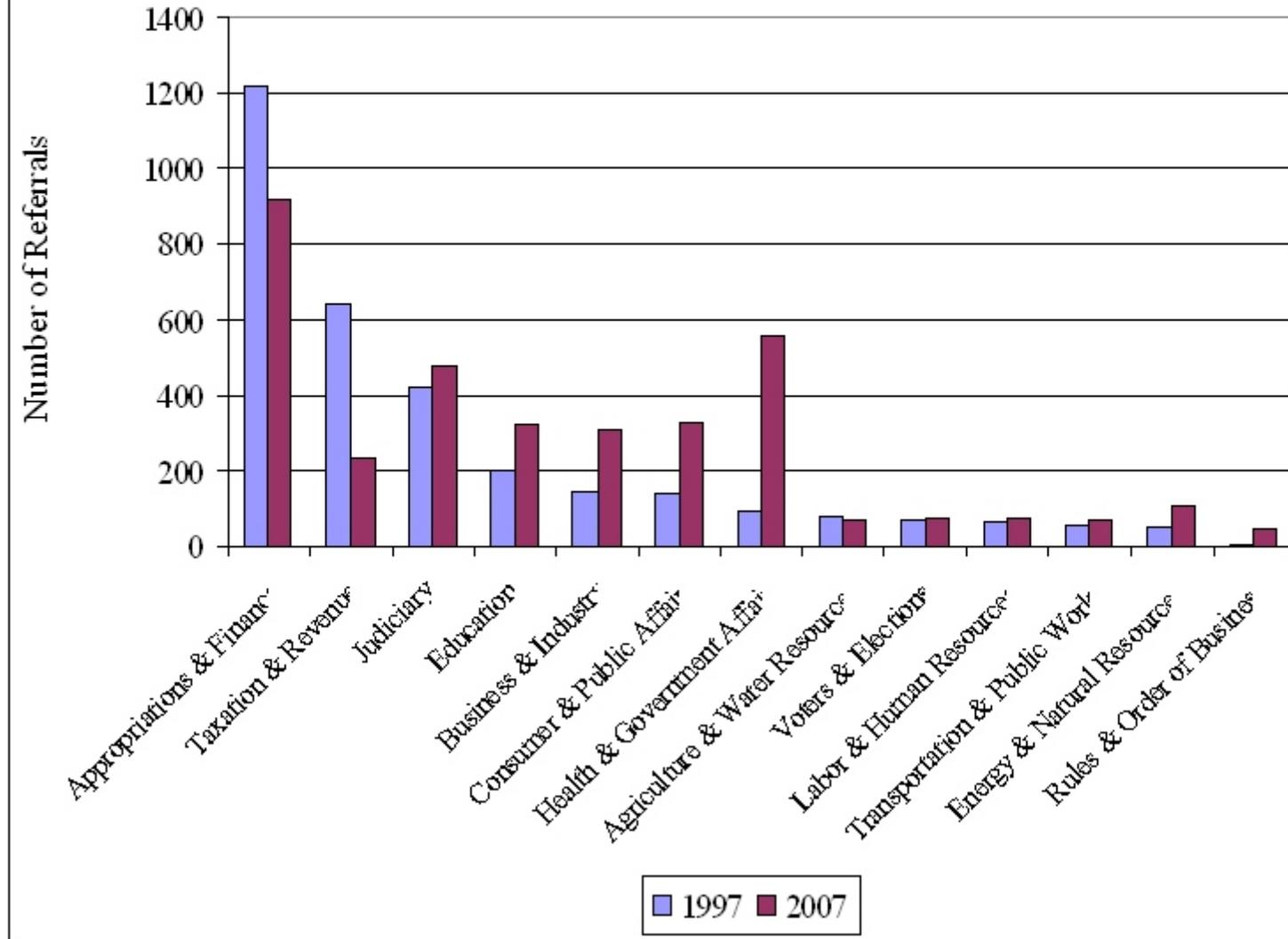
Office, District Office and Staffing Allowances 2005

State	Allowances
Alabama	None, although annual appropriation to certain positions may be so allocated..
Alaska	Senators receive \$10,000/year and Representatives receive \$8,000/year for postage, stationery and other legislative expenses. Staffing allowance determined by rules and presiding officers, depending on time of year.
Arizona	None.
Arkansas	Legislators are entitled to receive a maximum reimbursement of \$9,600/year for legislative expenses.
California	Based on district size.
Colorado	None.
Connecticut	Senators receive \$5,500 and Representatives receive \$4,500.
Delaware	\$6,728/year for office expenses.
Florida	Senate \$2,265/month for district office expenses. House \$1,710/month for district office expenses.
Georgia	\$7,000/year reimbursable expense account. If the member requests and provides receipts, the member is reimbursed for personal services, office equipment, rent, supplies, transportation, telecommunications, etc....
Hawaii	House \$5,000-\$7,500/month for Jan-April staffing. Senate varies between \$350-\$500/day for staffing allowance.
Idaho	\$1,700/year for unvouchered constituent expenses. No staffing allowance.
Illinois	Senators receive \$73,000/year and Representatives \$66,483/year for office expenses, including district offices and staffing.
Indiana	40% of per diem for district offices during interim only. No staffing allowance.
Iowa	\$200/month to cover district constituency postage, travel, telephone and other expenses. No staffing allowance.
Kansas	\$6,561/year which is taxable income to the legislators. Staffing allowances vary for leadership who have their own budget. Legislators provided with secretaries during session only. This amount will increase to \$332.10 in April 2006 (20 payments).
Kentucky	\$1,617.09 for district expenses during interim.
Louisiana	\$500/month. Representatives receive an additional \$,1500 supplemental allowance for vouchered office expenses, rent, travel mileage in district. Senators and Representatives staff allowance \$2,000/month starting salary up to \$3,000 with annual increases paid directly to staff person.
Maine	No. However, supplies for staff offices are provided and paid for out of general legislative account.
Maryland	Members, \$18,265/year for normal expenses of an office with limits on postage, telephone and publications. Members must document expenses. Legislators must use \$5,800 for clerical services. Senators receive one administrative assistant & session secretary.
Massachusetts	\$7,200/yearly for office expenses..
Michigan	\$58,425/majority Senator for office budget; \$58,425 for minority Senator for office budget.
Minnesota	None.
Mississippi	A total of \$1,500 per month out of session.
Missouri	\$800/month to cover all reasonable and necessary business expenses.

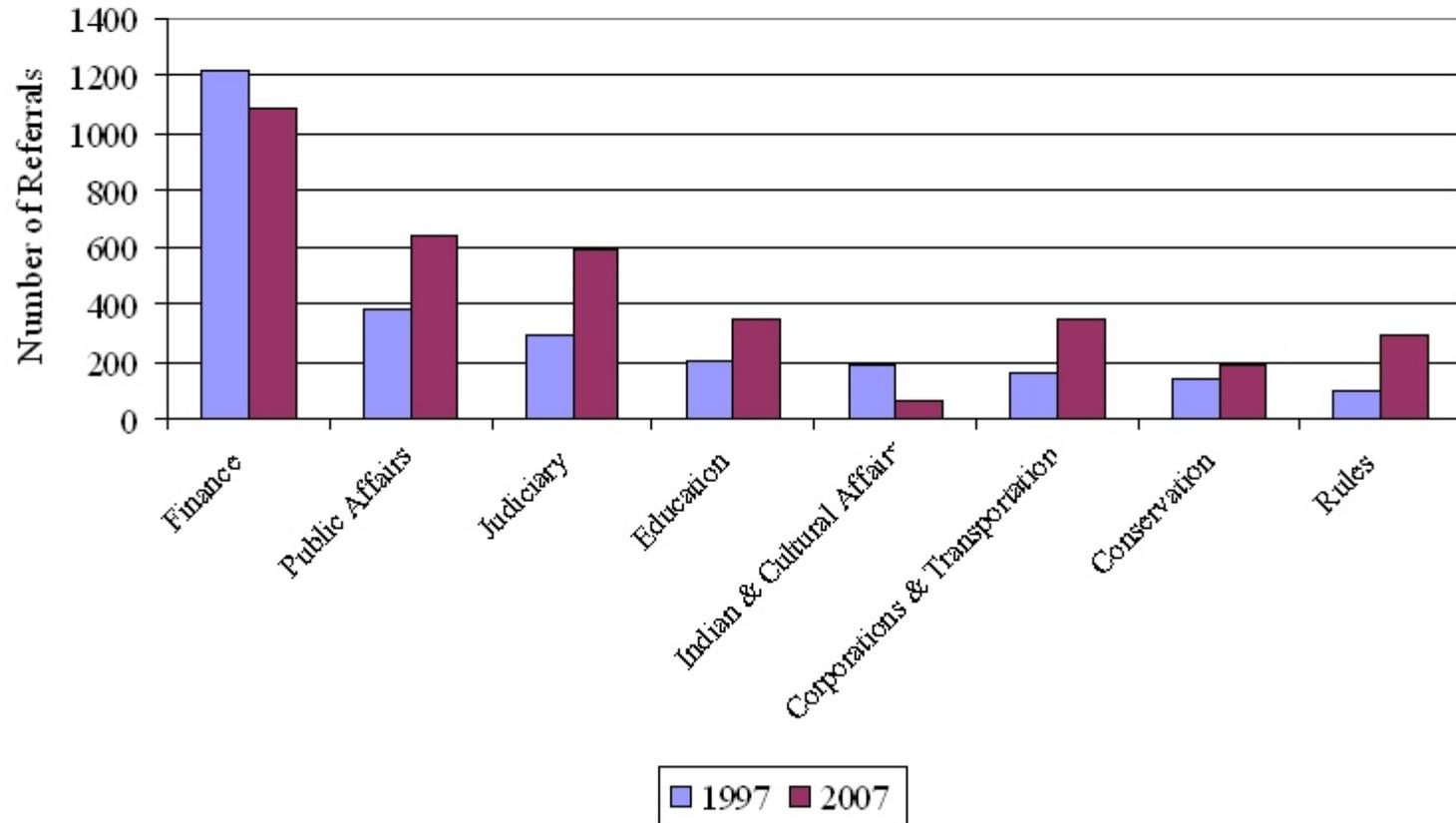
Office, District Office and Staffing Allowances 2005

Montana	None.
Nebraska	No allowance; however, each member is provided with two full-time capitol staff year-round.
Nevada	None.
New Hampshire	None.
New Jersey	\$750 for supplies, equipment and furnishings supplied through a district office program. \$110,000/year for district office personnel. State provides stationery for each legislator and 12,500 postage stamps.
New Mexico	None.
New York	Staff allowance set by majority leader for majority members and by minority leader for minority members. Staff allowance covers both district and capitol; geographic location; seniority and leadership responsibilities will cause variations.
North Carolina	Non-leaders receive \$6,708/year for any legislative expenses not otherwise provided. Full-time secretarial assistance is provided during sessio
North Dakota	None.
Ohio	None.
Oklahoma	\$350/year for unvouchered office supplies plus five rolls of stamps.
Oregon	\$2,635/session; interim allowance is \$450-750/month, depending on geographic size of district. Staffing allowance of \$4,134/month during session and \$1,846/month during interim.
Pennsylvania	Staffing is determined by leadership.
Rhode Island	None.
South Carolina	Senate \$3,400/yr. for postage, stationary and telephone. House \$1,800/yr. for telephone and \$1,100/yr. for postage. Legislators also receive \$1,000/month for in district expenses that is treated as income.
South Dakota	None.
Tennessee	\$1,000/month for expenses in district and staff intrastate travel (U).
Texas	Approved allowance for staff salaries, supplies, stationery, postage, district office rental, telephone expense, etc
Utah	None.
Vermont	None.
Virginia	Legislators receive \$1,250/month; leadership receives \$1,750/month office expense allowance. Legislators receive a staffing allowance of \$33,537/year; leader
West Virginia	None.
Wisconsin	\$45,000 for two year period for offie expenses. \$191,700 for two year period for staffing allowance.
Wyoming	Up to \$750 per quarter through the constituent service allowance.

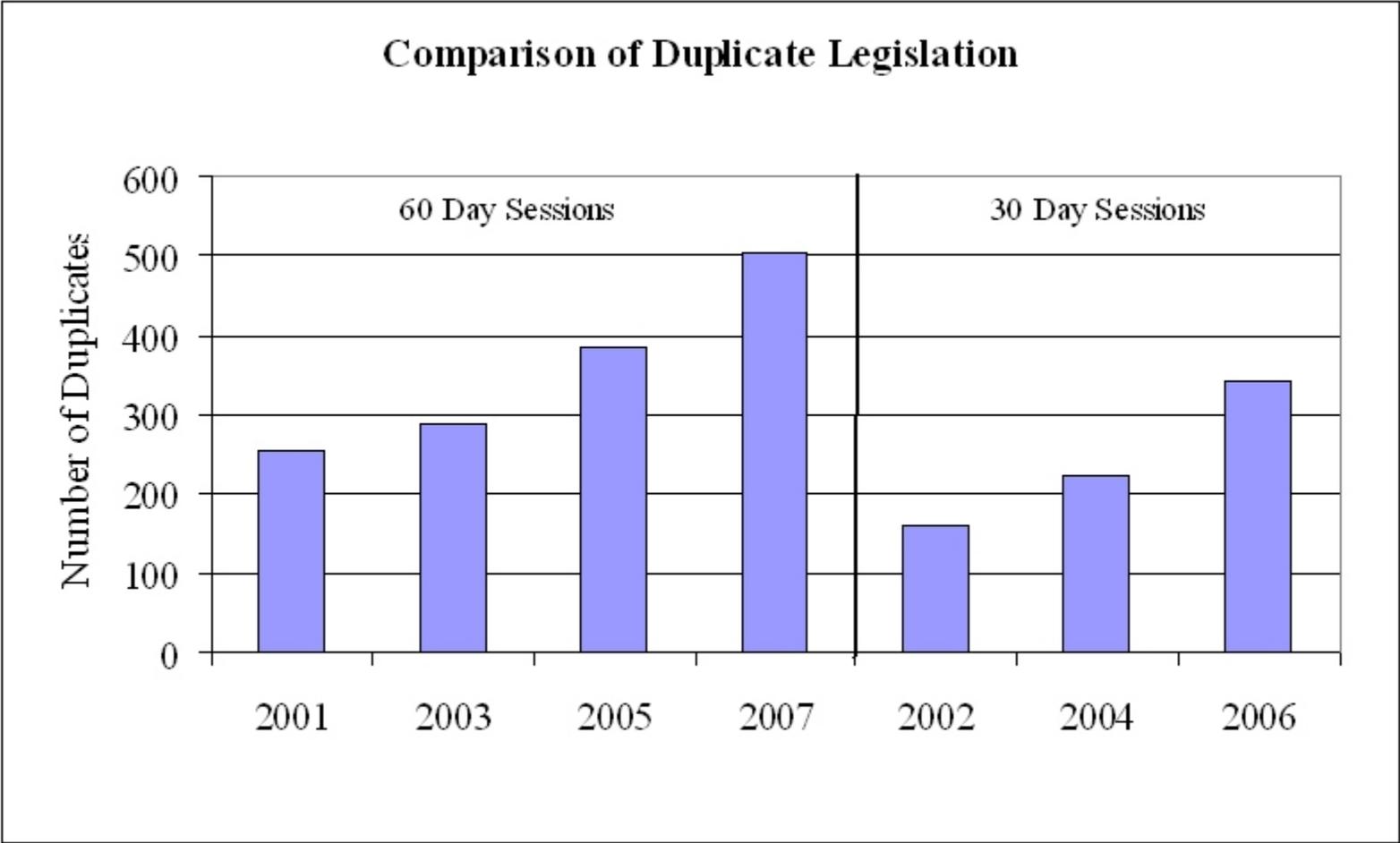
Comparison of Legislation Referred to House Committees 1997 vs. 2007



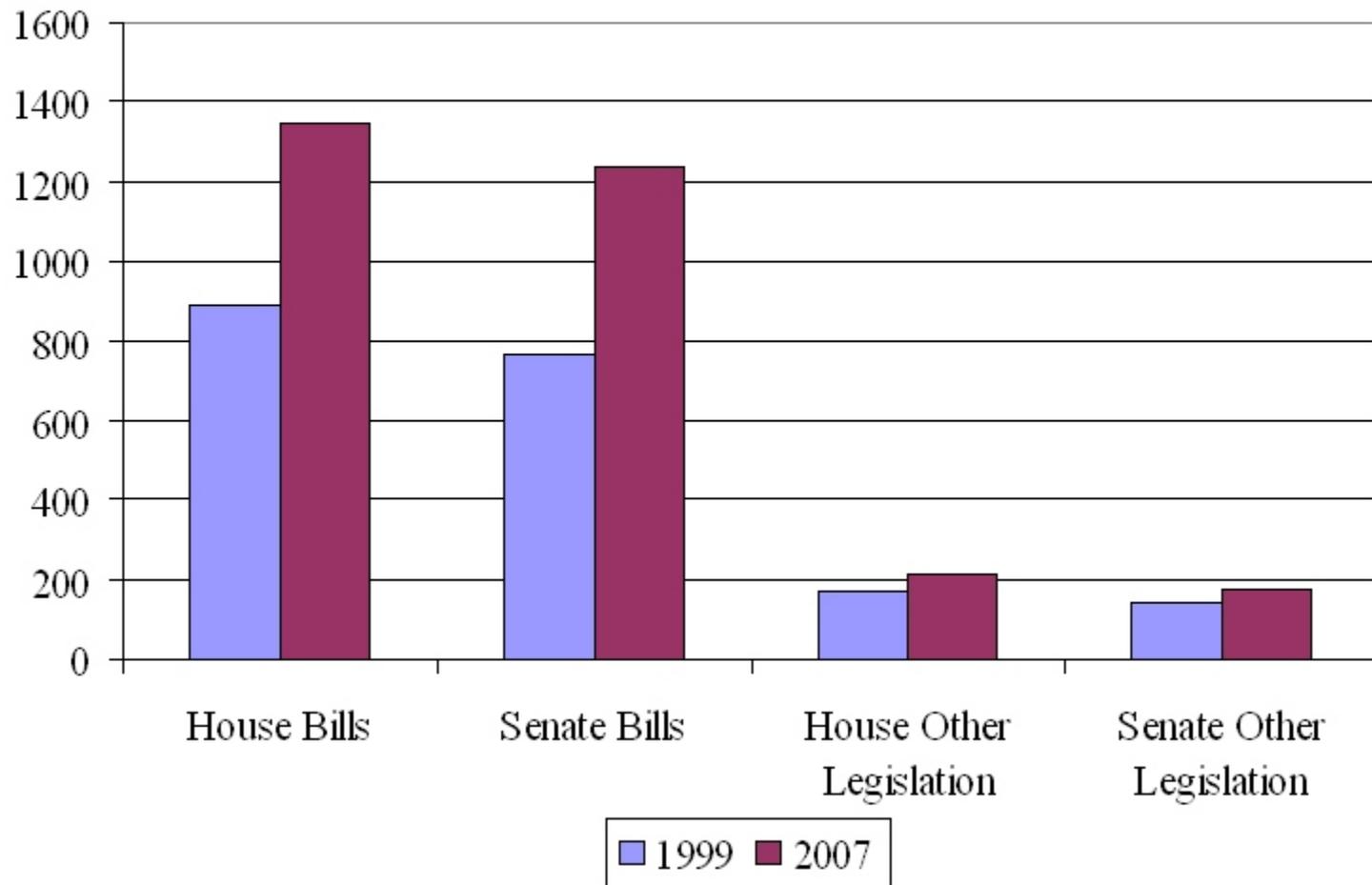
Comparison of Legislation Referred to Senate Committees 1997 vs. 2007



Comparison of Duplicate Legislation

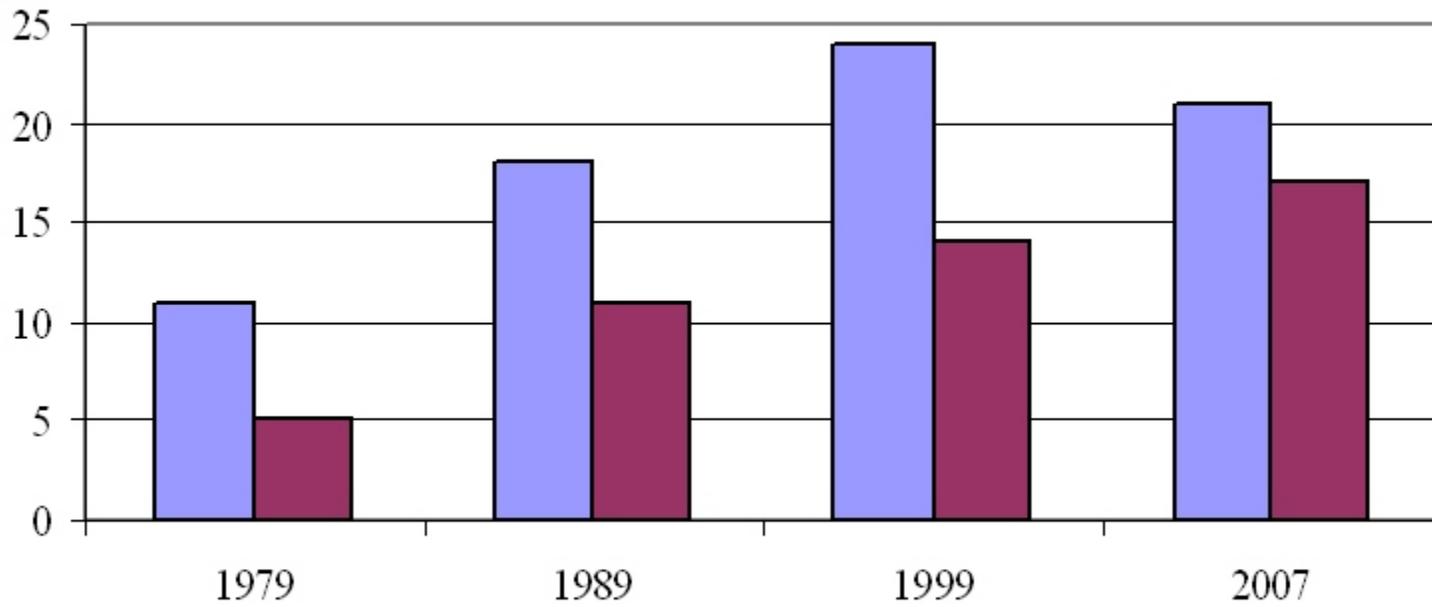


Summary of House and Senate Bills and All Other Legislation Introduced*



*Other includes memorials, joint memorials, resolutions and joint resolutions.

Interim Committees



■ Total No. of Committees ■ No. w/10 or More Voting Members

LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE

APPENDIX C:

DRAFT LEGISLATION RECOMMENDED BY THE TASK FORCE

_____ JOINT RESOLUTION

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48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

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INTRODUCED BY

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DISCUSSION DRAFT

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A JOINT RESOLUTION

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PROVIDING FOR LEGISLATIVE REFORM; PROPOSING AMENDMENTS TO

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ARTICLE 4 OF THE CONSTITUTION OF NEW MEXICO TO EXTEND THE

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LENGTH OF REGULAR SESSIONS OF THE LEGISLATURE BY FIFTEEN DAYS,

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TO PROVIDE FOR A THREE-DAY LEGISLATIVE SESSION TO CONSIDER

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BILLS VETOED BY THE GOVERNOR, TO INCREASE THE TIME ALLOWED THE

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GOVERNOR TO SIGN BILLS, TO PROVIDE PARTIAL VETO AUTHORITY ONLY

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OVER ITEMS OF APPROPRIATION, TO CHANGE THE TIME FRAME FOR THE

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EFFECTIVE DATE OF LEGISLATION AND TO MAKE THE LANGUAGE IN THE

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AMENDED SECTIONS GENDER NEUTRAL.

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

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Section 1. It is proposed to amend Article 4, Section 5

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of the constitution of New Mexico to read:

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~~underlined material to be deleted~~ "A. ~~[Each regular session of]~~ The legislature shall

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~~[begin annually]~~ convene in regular session at 12:00 noon on

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the third Tuesday of January. Every regular session of the legislature convening during an odd-numbered year shall remain in session not to exceed [~~sixty~~] seventy-five days, and every regular session of the legislature convening during an even-numbered year shall remain in session not to exceed [~~thirty~~] forty-five days. No special session of the legislature shall exceed thirty days.

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B. Every regular session of the legislature convening during an even-numbered year shall consider only the following:

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- (1) budgets, appropriations and revenue bills;
- (2) bills drawn pursuant to special messages of the governor; and
- (3) bills of the last previous regular session vetoed by the governor."

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Section 2. It is proposed to amend Article 4 of the constitution of New Mexico by adding a new section to read:

"A. The legislature shall convene in a veto override session at 12:00 noon on the fiftieth day following adjournment of each regular, special and extraordinary session to consider only bills of the last corresponding regular, special or extraordinary session vetoed by the governor. The legislature shall remain in such session for a period not to exceed three days.

~~underscored material, new delete~~

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B. The legislature shall not convene in a veto

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override session if at least three-fifths of the members
2 elected to either house certify to their respective chief clerk
3 that in their opinion the session is not necessary; provided
4 that the chief clerk receives the certification prior to the
5 forty-fifth day following adjournment of the regular, special
6 or extraordinary session."

7 Section 3. It is proposed to amend Article 4, Section 22
8 of the constitution of New Mexico to read:

9 "Every bill passed by the legislature shall, before it
10 becomes a law, be presented to the governor for approval. If
11 ~~[he]~~ the governor approves ~~[he]~~ a bill, the governor shall sign
12 it and deposit it with the secretary of state; otherwise, ~~[he]~~
13 the governor shall return it to the house in which it
14 originated, with ~~[his]~~ the governor's objections, which shall
15 be entered at large upon the journal; and such bill shall not
16 become a law unless thereafter approved by two-thirds of the
17 members present and voting in each house by yea and nay vote
18 entered upon its journal. Any bill not returned by the
19 governor within three days, Sundays excepted, after being
20 presented, ~~[to him]~~ shall become a law, whether signed by ~~[him]~~
21 the governor or not, unless the legislature by adjournment
22 ~~[prevent]~~ prevents such return. Every bill presented ~~[to the~~
23 ~~governor]~~ during the last three days of the session shall be
24 approved by ~~[him]~~ the governor within ~~[twenty]~~ thirty days
25 after the adjournment and shall be ~~[by him]~~ immediately

underbracketed material to be deleted

.170425.7

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deposited with the secretary of state. Unless so approved and signed by ~~[him]~~ the governor, such bill shall not become a law. The governor may in like manner approve or disapprove any ~~[part or parts]~~ item or items of appropriation of any bill appropriating money, and such ~~[parts or]~~ items approved shall become a law, and such as are disapproved shall be void unless passed over ~~[his]~~ the governor's veto, as herein provided."

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Section 4. It is proposed to amend Article 4, Section 23 of the constitution of New Mexico to read:

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"Laws shall go into effect ninety days after the adjournment of the legislature enacting them, or July 1, whichever occurs earlier, except general appropriation laws, which shall go into effect immediately upon their passage and approval. Any act necessary for the preservation of the public peace, health or safety, shall take effect immediately upon its passage and approval, provided it be passed by two-thirds vote of each house and such necessity be stated in a separate section."

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Section 5. 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.

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underscored material to be deleted

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_____ JOINT RESOLUTION

2

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

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INTRODUCED BY

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DISCUSSION DRAFT

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A JOINT RESOLUTION

11

PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 10 OF THE

12

CONSTITUTION OF NEW MEXICO TO REPEAL LEGISLATIVE PER DIEM AND

13

MILEAGE AND TO CREATE A COMMISSION TO SET LEGISLATIVE

14

COMPENSATION NO MORE FREQUENTLY THAN ONCE EVERY DECADE.

15

16

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

17

Section 1. It is proposed to amend Article 4 of the

18

constitution of New Mexico by repealing Section 10 and adding a

19

new Section 10 to read:

20

"A. The "legislative compensation commission" is

21

created to set the compensation of members of the legislature.

22

The commission shall consist of five members, not more than

23

three of whom shall be members of the same political party and

24

none of whom shall be legislators, public officers or employees

~~underscored material, new delete~~

25

of the state or any of its political subdivisions, state

1

contractors, lobbyists, lobbyists' employers or household
members of any of the foregoing.

2

3

B. One member of the commission shall be appointed
by the speaker of the house of representatives; one member of
the commission shall be appointed by the president pro tempore
of the senate; one member of the commission shall be appointed
by the minority leader of the house of representatives; one
member of the commission shall be appointed by the minority
leader of the senate; and one member of the commission shall be
appointed by the other four members. The members shall be
appointed once each decade in the year ending in "2" and shall
serve until December 31 of that year. A vacancy on the
commission shall be filled for the unexpired portion of the
term in the same manner as the original appointment.

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C. The commission shall meet and establish the
compensation to be paid to legislators beginning on July 1 of
the year following the commission's appointment and continuing
until changed by the commission appointed the following decade.

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18

19

D. The compensation paid to legislators shall not
change more frequently than once each decade.

20

21

E. The provisions relating to per diem and mileage
in effect before adoption of this amendment shall remain in
effect until legislative compensation as determined by the
commission is effective."

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25

Section 2. The amendment proposed by this resolution

.170392.3

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shall be submitted to the people for their approval or
2 rejection at the next general election or at any special
3 election prior to that date that may be called for that
4 purpose.

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.170392.3

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_____ JOINT RESOLUTION

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48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

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INTRODUCED BY

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DISCUSSION DRAFT

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A JOINT RESOLUTION

11

PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 10 OF THE

12

CONSTITUTION OF NEW MEXICO TO MODIFY LEGISLATIVE EXPENSE

13

REIMBURSEMENT FOR OUT-OF-STATE TRAVEL.

14

15

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

16

Section 1. It is proposed to amend Article 4, Section 10

17

of the constitution of New Mexico to read:

18

"Each member of the legislature shall receive:

19

A. per diem at the rate set by the federal

20

government and accepted by the internal revenue service [per

21

diem rate] for the city of Santa Fe for [~~each day's attendance~~

22

~~during]~~ each session of the legislature and the internal

23

revenue service standard mileage rate for each mile traveled in

24

going to and returning from the seat of government by the usual

~~underscored material; new delete~~

25

traveled route, once each session as defined by Article 4,

.170391.3

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Section 5 of this constitution;

2

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

3

4

5

6

[~~and~~]

7

C. for service at out-of-state meetings related to a member's legislative duties, either:

8

9

(1) per diem and mileage at a rate set by the federal government and accepted by the internal revenue service for the out-of-state location; or

10

11

12

(2) actual expenses that may be reimbursed for reasonable and necessary travel expenditures pursuant to law;

13

14

and

15

[~~E.~~] D. no other compensation, perquisite or allowance."

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Section 2. 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.

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BILL

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48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

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INTRODUCED BY

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DISCUSSION DRAFT

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AN ACT

11

RELATING TO THE LEGISLATIVE BRANCH; PROVIDING FOR EARLIER BILL

12

INTRODUCTION DEADLINES; GRANTING SUBPOENA POWER TO THE NEW

13

MEXICO LEGISLATIVE COUNCIL; PROVIDING FOR PROCEDURES; PROVIDING

14

FOR WITNESS FEES AND EXPENSES; PRESCRIBING PENALTIES.

15

16

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

17

Section 1. Section 2-6-1 NMSA 1978 (being Laws 1961,

18

Chapter 2, Section 1, as amended) is amended to read:

19

"2-6-1. LIMIT ON THE TIME WITHIN WHICH BILLS MAY BE

20

INTRODUCED.--No bill shall be introduced at any regular session

21

of the legislature subsequent to the [~~thirtieth legislative~~]

22

twentieth day in sessions held in the odd-numbered years or

23

subsequent to the [~~fifteenth legislative~~] tenth day in sessions

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held in the even-numbered years. The limitation provided in

underbracketed material, new delete

25

this section does not apply to the general appropriation bill,

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bills to provide for the current expenses of the government and
2 such bills as may be referred to the legislature by the
3 governor by special message specifically setting forth the
4 emergency or necessity requiring such legislation."

5

Section 2. [NEW MATERIAL] NEW MEXICO LEGISLATIVE
6 COUNCIL--LEGISLATIVE SUBPOENAS.--

7

A. A subpoena may be issued by the New Mexico
8 legislative council when the legislature is not in session on
9 behalf of any legislative committee upon a majority vote of the
10 members appointed to the council. The subpoena may require the
11 appearance of persons, the production of relevant records or
12 the giving of relevant testimony to the appropriate committee.

13

B. The subpoena shall be signed by the president
14 pro tempore of the senate or the speaker of the house of
15 representatives on behalf of the New Mexico legislative council
16 and shall be served and returned in the same manner as provided
17 for the service of subpoenas in civil actions at least seven
18 days before the date fixed in the subpoena for the appearance
19 or production of records.

20

C. A person subpoenaed to attend a hearing of a
21 legislative committee shall receive the same fees and expenses
22 provided by law for witnesses in district court.

23

D. In case of failure or refusal on the part of a
24 person to comply with any subpoena issued by the legislature,
25 any judge of the first judicial district court, on application

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.170424.4

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of the chief clerk of the house or senate, may issue an
attachment for that person and compel the person to comply with
the subpoena and to appear or produce the relevant records and
testify upon those matters as may be lawfully required, and the
judge shall have the power to punish the person for contempt as
in the case of disobedience of a like subpoena issued by or
from a district court.

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BILL

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48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

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INTRODUCED BY

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DISCUSSION DRAFT

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AN ACT

11

RELATING TO THE LEGISLATIVE FINANCE COMMITTEE; PROVIDING FOR

12

PROGRAM EVALUATION AND REVIEW BY THE LEGISLATIVE FINANCE

13

COMMITTEE OF AGENCIES AND ENTITIES THAT RECEIVE STATE FUNDING;

14

PROVIDING FOR THE RECEIPT AND PROTECTION OF CONFIDENTIAL

15

MATERIAL BY THE LEGISLATIVE FINANCE COMMITTEE; PRESCRIBING

16

PENALTIES.

17

18

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

19

Section 1. Section 2-5-3 NMSA 1978 (being Laws 1957,

20

Chapter 3, Section 3, as amended) is amended to read:

21

"2-5-3. LEGISLATIVE FINANCE COMMITTEE--DUTIES.--The

22

legislative finance committee shall:

23

A. direct the director of the legislative finance

24

committee in [his] the director's work;

~~underscored material; new delete~~

25

B. examine the laws governing the finances and

1

operation of departments, agencies, [~~and~~] institutions and
2 instrumentalities of New Mexico and all of its political
3 subdivisions, the effect of laws on the proper functioning of
4 these governmental units and the policies and costs of
5 governmental units as related to the laws;

6 C. recommend changes in these laws if any are
7 deemed desirable and draft and present to the legislature any
8 legislation necessary;

9 D. evaluate and review operations and management of
10 departments, agencies, institutions and instrumentalities of
11 the state; district attorneys; and school districts; and
12 evaluate and review operations and management of programs of
13 political subdivisions or other entities when those programs
14 receive state funding; and

15 [~~D.~~] E. make a full report of its findings and
16 recommendations for the consideration of each successive
17 legislature following its original establishment, the report
18 and suggested legislation to be available to each member of the
19 legislature on or before the first day of the regular session
20 [~~thereof~~]."

21 Section 2. [NEW MATERIAL] PROGRAM EVALUATION AND
22 REVIEW.--

23 A. As used in this section, "agency" means:
24 (1) any department, agency, institution,
25 board, commission, committee, branch or instrumentality of the

underbracketed material to be deleted

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state;

2

(2) district attorneys;

3

(3) school districts and charter schools; and

4

(4) any program of a political subdivision of

5

the state or other entity that receives state funding.

6

B. The legislative finance committee shall establish a "program evaluation division" staffed by persons

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knowledgeable and proficient in program and performance

9

evaluation, research or policy analysis. Program evaluation

10

staff shall be appointed without regard to party affiliation

11

and solely on the grounds of fitness to perform the duties of

12

the positions for which they are hired.

13

C. The program evaluation division shall conduct

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program evaluations, information technology evaluations and

15

special reviews to provide policymakers with objective,

16

independent and credible assessments of agencies to allow

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policymakers to:

18

(1) determine whether expenditures of public

19

funds are producing desired results;

20

(2) determine if agencies are complying with

21

state and federal procedures relevant to their operation and

22

funding;

23

(3) determine whether policy alternatives

24

could improve operations and save money; and

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25

(4) assess the effect of agency operations on

.170454.3

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state finances.

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D. The program evaluation division shall report the results of work performed pursuant to this section to the committee and shall make final reports available to the legislature. Background material, including working papers and notes, used as part of any program evaluation or review are not public records for the purpose of inspection of public records, but the committee may determine they are public records for the purpose of retention of confidential material.

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Section 3. Section 2-5-7 NMSA 1978 (being Laws 1957, Chapter 3, Section 6, as amended) is amended to read:

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"2-5-7. COOPERATION--CONFIDENTIAL INFORMATION--PENALTY.--

13

Each agency or institution of the state and its political subdivisions shall, upon request, furnish and make available to the legislative finance committee such documents, material or information, including documents, material and information made confidential by law, as may be requested by ~~[the members of]~~ the committee or its director or staff ~~[which are not made]~~.

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19

The members of the committee and its director and staff shall not disclose any information received by them that is confidential by law. A member of the committee, the director or a staff member who discloses confidential information is guilty of a misdemeanor and shall be punished as provided in

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Section 31-19-1 NMSA 1978."

~~underlined material; new delete~~

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_____ CONCURRENT RESOLUTION

2

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

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INTRODUCED BY

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DISCUSSION DRAFT

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A CONCURRENT RESOLUTION

11

RELATING TO LEGISLATIVE REFORM; ADOPTING AND AMENDING JOINT

12

RULES TO OPEN CONFERENCE COMMITTEES TO THE PUBLIC, TO REQUIRE

13

THAT CONFERENCE COMMITTEE REPORTS LAY ON THE TABLE FOR THIRTY

14

MINUTES PRIOR TO BEING CONSIDERED, TO PROHIBIT REQUESTS FOR

15

AGENCY ACTION WITHIN A RESOLUTION OR MEMORIAL, TO ESTABLISH

16

DEADLINES FOR REQUESTS THAT MEMORIALS BE DRAFTED, TO ESTABLISH

17

DEADLINES FOR THE PASSAGE OF LEGISLATION FROM THE HOUSE OF

18

ORIGIN AND TO PROVIDE FOR A SUSPENSION OF A FLOOR SESSION FOR A

19

PERIOD OF A TIME IMMEDIATELY FOLLOWING THE DEADLINE TO

20

INTRODUCE BILLS.

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WHEREAS, Legislative Joint Rule 8-1 provides that joint

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rules may be adopted, amended or repealed by concurrent

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resolution approved by two-thirds of the membership of each

~~underscored material, new delete~~

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house;

.170423.5

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NOW, THEREFORE, BE IT RESOLVED BY THE _____, THE
_____ CONCURRING THEREIN, that Joint Rule 3-1 be amended
to read:

4 "CONFERENCE COMMITTEES (3-1)

5 If one house refuses to concur in the amendments made to
6 its ~~[bill]~~ legislation by the other house, the chief clerk
7 shall notify the house making the amendments of that
8 refusal to concur and ask that it recede from its
9 amendments. If the amending house refuses to recede from
10 its amendments, a conference committee, consisting of
11 three members from each house, shall be appointed by the
12 president pro tempore of the senate and the speaker of the
13 house. Conference committee meetings shall be open to the
14 public; provided that conference committee meetings may be
15 closed to the public for good cause stated upon a vote of
16 the committee. The time and place of open conference
17 committee meetings shall be announced on the public
18 address system and posted at the offices of the chief
19 clerks of the house and senate. The conference committee
20 shall meet at a time and place to be mutually agreed upon
21 by the committee members, and when agreement on the
22 amendments in dispute has been reached, the members shall
23 report to their respective houses, or if agreement has not
24 been reached, they shall report that fact to their
25 respective houses. No ~~[new]~~ item shall be presented as an

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amendment for inclusion in the conference committee report
unless the item has been the subject of a legislative
committee hearing during the session. Voting in the
conference committee shall be by the respective houses,
and a majority of the membership from each house is
required for adoption of a recommendation. The report of
the conference committee shall not be subject to amendment
in either house. The report of the conference committee
shall lay on the table for not fewer than thirty minutes
after being read by the chief clerk, after which it shall
always be in order except during a roll call or when a
question of order or a motion to adjourn is pending."; and
BE IT FURTHER RESOLVED that the following new Joint Rule

6-2 be adopted to read:

"RESOLUTIONS AND MEMORIALS (6-2)

A. A resolution is the appropriate instrument
for the legislature to formally express its sentiment on a
subject that it cannot or does not elect to control by
law; to propose amendments to the state constitution; to
ratify amendments to the federal constitution; or to
express the approval of the legislature when the
governor's approval is not required.

B. A memorial is the appropriate instrument
for the legislature to express its desire, in the form of
a petition or declaration of intent, that is generally

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written as a request to an elected state official or
another governmental body.

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C. A letter of request is the appropriate instrument for the legislature or one of its committees to express its desire that a state department, institution, agency or instrumentality undertake a specific task. The legislative council service shall not draft or prepare a resolution or memorial that calls for or requests state departments, institutions, agencies or instrumentalities to undertake a specific task."; and

11

BE IT FURTHER RESOLVED that Joint Rule 9-1 be amended to

12

read:

13

"GENERAL APPROPRIATION BILL--SCHEDULE FOR ENACTMENT (9-1)

14

Enactment of any general appropriation bill shall comply

15

with the following schedule:

16

A. in [~~the sixty-day~~] a regular session

17

convening in an odd-numbered year, the bill shall have

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received third reading and final passage in the house of

19

origin no later than the thirty-fifth [~~calendar~~] day of

20

the session. The second house shall have given the bill

21

its third reading and final passage by the fiftieth

22

[~~calendar~~] day of the session. Approval of changes, if

23

any, and transmittal to the governor shall be by the

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fifty-fourth [~~calendar~~] day of the session; and

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B. in [~~the thirty-day~~] a regular session

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convening in an even-numbered year, the bill shall have received third reading and final passage in the house of origin no later than the sixteenth [~~calendar~~] day of the session. The second house shall have given the bill its third reading and final passage by the twenty-first [~~calendar~~] day of the session. Approval of changes, if any, and transmittal to the governor shall be by the twenty-fourth [~~calendar~~] day of the session.

~~[G. For the purpose of this rule, the computation of time shall be as provided in Section 12-2A-7 NMSA 1978.]"; and~~

BE IT FURTHER RESOLVED that Joint Rule 10-1 be amended to read:

"BILL, RESOLUTION AND MEMORIAL INTRODUCTION (10-1)

A. The legislative council service shall not draft or prepare a bill for introduction at any regular session of the legislature that convenes in an odd-numbered year unless the request to draft or prepare the bill for introduction has been received by the legislative council service prior to 5:00 p.m. on the twenty-eighth [~~calendar~~] day of [~~that~~] the regular session. The legislative council service shall not draft or prepare a bill for introduction at any regular session of the legislature that convenes in an even-numbered year unless the request to draft or prepare the bill for introduction

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has been received by the legislative council service prior to 5:00 p.m. on the thirteenth [~~calendar~~] day of [~~that~~] the regular session. The limitation provided in this rule does not apply to the general appropriation bill, bills to provide for the current expenses of the government and such bills as may be referred to the legislature by the governor by special message specifically setting forth the emergency or necessity requiring such legislation.

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B. If an interim committee has endorsed a bill, resolution or memorial, the legislative council service shall draft and prepare the bill, resolution or memorial for introduction in only one house.

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C. The legislative council service shall draft and prepare bills, resolutions and memorials requested by the governor or the various departments, institutions and agencies of the state for introduction in only one house."; and

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BE IT FURTHER RESOLVED that the following new joint rule

19

be adopted to read:

20

"BILLS AND RESOLUTIONS--DEADLINE FOR PASSAGE FROM HOUSE OF ORIGIN

21

22

During any regular session, a bill or resolution, with the exception of a general appropriation bill, bills to

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24

provide for the current expenses of the government, any

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bill making an appropriation and bills introduced after

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the deadline for the introduction of bills pursuant to a
referral to the legislature by the governor by special
message specifically setting forth the emergency or
necessity requiring such legislation, that has not passed
its house of origin prior to the twenty-eighth day of a
session convened in an even-numbered year and the fifty-
eighth day of a session convened in an odd-numbered year
shall be deemed lost and shall not be considered by either
house during the remainder of the session."; and

10 BE IT FURTHER RESOLVED that a new joint rule be adopted to
11 read:

12 "RECESS AFTER THE INTRODUCTION OF BILLS

13 Each house shall recess for a period of time following the
14 deadline to introduce bills, during which time committees
15 may meet as necessary. The period of time shall be at
16 least three days during a session convening in an even-
17 numbered year and at least six days during a session
18 convening in an odd-numbered year."; and

19 BE IT FURTHER RESOLVED that a new joint rule be adopted to
20 read:

21 "COMPUTATION OF TIME

22 For the purposes of the joint rules, unless specified
23 otherwise, a day is the twenty-four-hour period from
24 12:00 noon on one calendar day to 12:00 noon on the
25 next calendar day."; and

~~underscored material, delete~~

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BE IT FURTHER RESOLVED that, if the constitution of New Mexico is amended to extend the length of regular sessions to seventy-five days in odd-numbered years and to forty-five days in even-numbered years or if legislation is enacted establishing a bill introduction deadline of the twentieth day of the regular session convening in an odd-numbered year and the tenth day of a regular session convening in an even-numbered year or if either house adopts a rule establishing a deadline to introduce memorials of the twenty-second day of a session convened in an even-numbered year or the thirty-second day in a session convened in an odd-numbered year, Joint Rules 9-1 and 10-1 and the new joint rule establishing a deadline for the passage of legislation from the house of origin be accordingly and appropriately amended to read:

"GENERAL APPROPRIATION BILL--SCHEDULE FOR ENACTMENT (9-1)

Enactment of any general appropriation bill shall comply with the following schedule:

A. in a regular session convening in an odd-numbered year, the bill shall have received third reading and final passage in the house of origin no later than the ~~[thirty-fifth]~~ forty-fourth day of the session. The second house shall have given the bill its third reading and final passage by the ~~[fiftieth]~~ sixty-third day of the session. Approval of changes, if any, and transmittal to the governor shall be by the ~~[fifty-fourth]~~ sixty-eighth

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day of the session; and

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B. in a regular session convening in an even-numbered year, the bill shall have received third reading and final passage in the house of origin no later than the [~~sixteenth~~] twenty-fourth day of the session. The second house shall have given the bill its third reading and final passage by the [~~twenty-first~~] thirty-second day of the session. Approval of changes, if any, and transmittal to the governor shall be by the [~~twenty-fourth~~] thirty-sixth day of the session."; and

11

"BILL, RESOLUTION AND MEMORIAL INTRODUCTION (10-1)

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A. The legislative council service shall not draft or prepare a bill for introduction at any regular session of the legislature that convenes in an odd-numbered year unless the request to draft or prepare the bill for introduction has been received by the legislative council service prior to 5:00 p.m. on the [~~twenty-eighth calendar~~] eighteenth day of the regular session. The legislative council service shall not draft or prepare a bill for introduction at any regular session of the legislature that convenes in an even-numbered year unless the request to draft or prepare the bill for introduction has been received by the legislative council service prior to 5:00 p.m. on the [~~thirteenth calendar~~] eighth day of the regular session. The limitation provided in this rule

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does not apply to the general appropriation bill, bills to provide for the current expenses of the government and such bills as may be referred to the legislature by the governor by special message specifically setting forth the emergency or necessity requiring such legislation.

B. If a chamber has adopted a deadline for the introduction of memorials, the legislative council service shall not draft or prepare a memorial for introduction in that chamber at any regular session of the legislature that convenes in an odd-numbered year unless the request to draft or prepare the memorial for introduction has been received by the legislative council service prior to 5:00 p.m. on the twenty-eighth day of the regular session. If a chamber has adopted a deadline for the introduction of memorials, the legislative council service shall not draft or prepare a memorial for introduction in that chamber at any regular session of the legislature that convenes in an even-numbered year unless the request to draft or prepare the memorial for introduction has been received by the legislative council service prior to 5:00 p.m. on the eighteenth day of the regular session.

~~[B-]~~ C. If an interim committee has endorsed a bill, resolution or memorial, the legislative council service shall draft and prepare the bill, resolution or memorial for introduction in only one house.

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[6-] D. The legislative council service shall

2

draft and prepare bills, resolutions and memorials

3

requested by the governor or the various departments,

4

institutions and agencies of the state for introduction in

5

only one house."; and

6

"BILLS AND RESOLUTIONS--DEADLINE FOR PASSAGE FROM HOUSE OF

7

ORIGIN

8

During any regular session, a bill or resolution, with the

9

exception of a general appropriation bill, bills to

10

provide for the current expenses of the government, any

11

bill making an appropriation and bills introduced after

12

the deadline for the introduction of bills pursuant to a

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referral to the legislature by the governor by special

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message specifically setting forth the emergency or

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necessity requiring such legislation, that has not passed

16

its house of origin prior to the [~~twenty-eighth~~] forty-

17

third day of a session convened in an even-numbered year

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and the [~~fifty-eighth~~] seventy-third day of a session

19

convened in an odd-numbered year shall be deemed lost and

20

shall not be considered by either house during the

21

remainder of the session."; and

22

BE IT FURTHER RESOLVED that the amendments to the joint

23

rules proposed by this resolution take effect immediately prior

24

to adjournment of the second session of the forty-eighth

underscored material to be delete

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legislature.

.170423.5

HOUSE RESOLUTION

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

DISCUSSION DRAFT

A RESOLUTION

RELATING TO LEGISLATIVE REFORM; ADOPTING AND AMENDING THE HOUSE

RULES TO PROHIBIT COMMITTEES FROM REPORTING LEGISLATION

"WITHOUT RECOMMENDATION", TO ALLOW MEMBERS TO COSPONSOR

LEGISLATION BY FILING A WRITTEN NOTICE, TO LIMIT THE NUMBER OF

BILLS AND MEMORIALS THAT MAY BE INTRODUCED, TO LIMIT THE TIME

TO INTRODUCE MEMORIALS, TO EXPAND LEGISLATION THAT MAY BE

PREFILED AND TO AND ALLOW GUESTS ON THE FLOOR OF THE HOUSE

UNDER CERTAIN CIRCUMSTANCES.

WHEREAS, the rules of the house of representatives may be

amended by a two-thirds' vote of all the members of the house or

by a majority vote of the members of the house upon the

recommendation of the committee on rules and order of business;

~~underlined material to be deleted~~ NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF

REPRESENTATIVES OF THE STATE OF NEW MEXICO that House Rule 9-12

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be amended to read:

2 "9-12 The report on the final vote of the committee on
3 each bill, resolution or memorial shall be reported
4 to the house no later than the second calendar day
5 in which the house is in session after the day on
6 which the final vote was taken by the committee. A
7 committee shall not report a bill, resolution or
8 memorial "without recommendation"."; and

9 BE IT FURTHER RESOLVED that the existing House Rule 11-9-1
10 be recompiled as House Rule 11-9-2 and the following new House
11 Rule 11-9-1 be adopted to read:

12 "11-9-1 Every bill, resolution or memorial introduced in the
13 house by a representative shall be endorsed by the
14 representative sponsoring the bill, resolution or
15 memorial and by each representative cosponsoring the
16 bill, resolution or memorial. A representative may
17 also cosponsor a bill, resolution or memorial by
18 filing a written notice in open session with the
19 clerk of the house prior to third reading in the
20 house."; and

21 BE IT FURTHER RESOLVED that a new House Rule 11-9-3 be
22 adopted to read:

23 "11-9-3 Each member may introduce no more than five bills
24 and two memorials during a session convened in an
25 even-numbered year and no more than ten bills and

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two memorials during a session convened in an odd-
2 numbered year; provided that this limitation shall
3 not apply to bills that are prefiled; or bills or
4 memorials that are endorsed by a legislative interim
5 committee."; and

6 BE IT FURTHER RESOLVED that a new House Rule 11-9-4 be
7 adopted to read:

8 "11-9-4 No house memorial shall be introduced subsequent to
9 the twenty-second day in a session convened in an
10 even-numbered year or subsequent to the thirty-
11 second day in a session convened in an odd-numbered
12 year."; and

13 BE IT FURTHER RESOLVED that House Rules 11-12-1, 11-12-2,
14 11-12-3 and 11-12-4 be repealed and a new House Rule 11-12-1 be
15 adopted to read:

16 "11-12-1 A member may prefile legislation by depositing it
17 with the chief clerk during regular business hours
18 between December 15 and the Friday before a regular
19 session begins. The chief clerk shall number
20 prefiled legislation in the order in which it is
21 received; provided that the first prefiled bill
22 shall be numbered as House Bill 10 or a higher
23 number as the speaker of the house may determine,
24 reserving the initial bill numbers for the bill
25 authorizing current expenses of the legislature, the

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general appropriation bill and such other bills as
the speaker determines is appropriate. Prefiled
legislation shall be publicly available. Prefiled
legislation shall be introduced and referred to
committee on the first day of the regular session.";
and

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BE IT FURTHER RESOLVED that House Rule 23-2 be amended to
read:

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"23-2 Only persons who are members of the legislature or
officers and employees of the legislature having
official duties directly connected with the business
of the house shall be admitted to the floor,
rostrum, lounges and hallways. Exceptions to this
rule shall be:

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(a) the governor and representatives of ~~[his]~~
the governor's office on official business and
carrying written accreditation from the governor;
~~[and]~~

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(b) former members of the legislature,
provided they carry written accreditation of status
from the chief clerk, and special guests of the
house; ~~[and]~~ provided that such former members and
guests are seated, with the speaker's consent, only
on the speaker's rostrum; and

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(c) special guests of the house who may be

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invited to perform for the house prior to the final
fourteen days of a session."; and

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BE IT FURTHER RESOLVED that House Rule 23-5 be amended to
read:

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5

"23-5 No member shall make any introductions of persons

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seated in the gallery. The names of guests or

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organizations welcomed by the house may be posted in

8

an appropriate manner on an electronic display in

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the chamber."; and

10

BE IT FURTHER RESOLVED that the amendments to the house
rules proposed by this resolution take effect immediately prior
to adjournment of the second session of the forty-eighth
legislature.

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SENATE RESOLUTION

3

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

4

INTRODUCED BY

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6

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DISCUSSION DRAFT

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10

11

A RESOLUTION

12

RELATING TO LEGISLATIVE REFORM; ADOPTING AND AMENDING THE

13

SENATE RULES TO PROVIDE THAT PREFILED LEGISLATION MAY BE THE

14

SUBJECT OF A COMMITTEE HEARING PRIOR TO OTHER LEGISLATION, TO

15

PROHIBIT COMMITTEES FROM REPORTING LEGISLATION "WITHOUT

16

RECOMMENDATION", TO ALLOW MEMBERS TO COSPONSOR LEGISLATION BY

17

FILING A WRITTEN NOTICE, TO LIMIT THE NUMBER OF BILLS AND

18

MEMORIALS THAT MAY BE INTRODUCED, TO LIMIT THE TIME TO

19

INTRODUCE MEMORIALS AND TO ALLOW GUESTS ON THE FLOOR OF THE

20

SENATE UNDER CERTAIN CIRCUMSTANCES AND THE INTRODUCTION OF

21

GUESTS PRIOR TO THE LAST TWO WEEKS OF A SESSION.

22

23

WHEREAS, the rules of the senate may be amended by a two-

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thirds' vote of all the members of the senate or by a majority

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vote of the members of the senate upon the recommendation of

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the rules committee;

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NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE

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OF NEW MEXICO that a new Senate Rule 9-11 be adopted to read:

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"9-11 If requested by the prime senate sponsor, committee

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chairs shall schedule each senate bill, resolution

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and memorial that is prefiled pursuant to Senate

7

Rule 11-12-1 to be heard prior to other

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legislation."; and

9

BE IT FURTHER RESOLVED that a new Senate Rule 9-12 be

10

adopted to read:

11

"9-12 A committee shall not report a bill, resolution or

12

memorial "without recommendation".; and

13

BE IT FURTHER RESOLVED that Senate Rule 11-9-1 be amended

14

to read:

15

"11-9-1 Every bill, resolution or memorial introduced in the

16

senate by a senator shall be endorsed by the senator

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sponsoring the bill, resolution or memorial and by

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each senator cosponsoring the bill, resolution or

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memorial. A senator may also cosponsor a bill,

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resolution or memorial by filing a written notice in

21

open session with the clerk of the senate prior to

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third reading in the senate."; and

23

BE IT FURTHER RESOLVED that a new Senate Rule 11-9-3 be

24

adopted to read:

~~underscored material, new delete~~

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"11-9-3 Each senator may introduce no more than five bills

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and two memorials during a session convened in an even-numbered year, and no more than ten bills and two memorials during a session convened in an odd-numbered year; provided that this limitation shall not apply to bills that are prefiled; or bills or memorials that are endorsed by a legislative interim committee."; and

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BE IT FURTHER RESOLVED that a new Senate Rule 11-9-4 be adopted to read:

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10

"11-9-4 No memorial shall be introduced subsequent to the twenty-second day in a session convened in an even-numbered year or subsequent to the thirty-second day in a session convened in an odd-numbered year."; and

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BE IT FURTHER RESOLVED that Senate Rule 23-2 be amended to read:

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16

"23-2 Admission to the floor, rostrum, lounges and hallways shall be as follows:

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18

(a) only persons who are members of the legislature or officers and employees of the legislature having official duties directly connected with the business of the senate, the governor and representatives of ~~[his]~~ the governor's office on official business and carrying written accreditation from the governor shall be admitted to the floor of the senate during any session or during

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any recess during any session;

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(b) former members of the legislature,

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provided they carry written accreditation of status

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from the chief clerk, and special guests of the

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senate shall, with the president's or president pro

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tempore's consent, be seated on the rostrum; and

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(c) special guests of the senate may be

8

invited to perform for the senate prior to the final

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fourteen days of a session."; and

10

BE IT FURTHER RESOLVED that Senate Rule 23-5 be amended to

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read:

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"23-5 The members of the senate and the presiding officer,

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including the lieutenant governor, shall not make

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any introduction of guests, with the exception of

15

officials, during the last fourteen days of any

16

session. However, at any time during a session, the

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names of guests or organizations welcomed by the

18

senate may be posted in an appropriate manner on an

19

electronic display in the chamber."; and

20

BE IT FURTHER RESOLVED that the amendments to the senate

21

rules proposed by this resolution take effect immediately prior

22

to adjournment of the second session of the forty-eighth

23

legislature.

24

~~underscored material to be deleted~~

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