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SENATE BILL 746

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO REAPPORTIONMENT; ESTABLISHING THE LEGISLATIVE
REAPPORTIONMENT COMMISSION.

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

Section 1. SHORT TITLE. -- This act may be cited as the
"Legislative Reapportionment Act".

Section 2. COMMISSION CREATION-- MEMBERSHIP--
QUALIFICATIONS-- VACANCIES. --

A. Whenever there is reason to reapportion the
legislature or to provide for new congressional district
boundaries in the state because of a new federal census or
because of court order, the secretary of state shall order the
formation of a legislative reapportionment commission.

B. The legislative reapportionment commission
shall consist of six members. The majority and minority

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1 leaders in both houses of the legislature shall each appoint
2 one member and the state chairmen of the two largest political
3 parties, as determined by the vote cast for governor in the
4 last gubernatorial election, shall each appoint one member.
5 If an appointing authority does not appoint a member within
6 fifteen calendar days following the secretary of state's order
7 to form the legislative reapportionment commission, the member
8 shall be appointed by the supreme court. Members of the
9 commission shall hold their office until the reapportionment
10 and redistricting plan is implemented.

11 C. No person may serve on the legislative
12 reapportionment commission who at the time of appointment is:

- 13 (1) an elected or appointed official of the
14 state;
- 15 (2) not a registered voter of the state;
- 16 (3) or has been a registered lobbyist in the
17 year preceding appointment;
- 18 (4) or has been an elected official or county
19 or state party officer in the two years preceding appointment;
20 or
- 21 (5) a candidate for political office.

22 D. The secretary of state shall order a vacancy on
23 the legislative reapportionment commission be filled by
24 appointment by the original appointing authority within
25 fifteen days of that order. If an appointment is not made

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1 within the fifteen days, the supreme court shall make the
2 appointment.

3 Section 3. PRECLUSION FROM LEGISLATIVE OFFICE. -- A person
4 who is appointed to the legislative reapportionment commission
5 shall agree to be precluded from serving in either house of
6 the legislature for five years following service on the
7 commission.

8 Section 4. ORGANIZATION-- PROCEDURE-- COMPENSATION. --

9 A. The legislative reapportionment commission
10 members shall elect by majority vote a chairman and other
11 officers as they may determine.

12 B. Meetings of the legislative reapportionment
13 commission are subject to the provisions of the Open Meetings
14 Act, and the commission shall provide notice of meetings to
15 citizens or organizations that request notice. Meetings shall
16 be held in different locations in the state in order to
17 maximize the opportunity for public participation.

18 C. A quorum shall consist of four members. If
19 there is less than a quorum present at a scheduled meeting,
20 the members may take testimony and receive information, but
21 may only vote on setting a future agenda, preparing for future
22 meetings, recess or adjournment. Final action of the
23 legislative reapportionment commission requires a two-thirds'
24 vote of all members.

25 D. The legislative reapportionment commission

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1 shall make available to the public at cost copies of the
2 validated census database in a form to be determined by the
3 commission.

4 E. Legislative reapportionment commission members
5 shall be paid per diem and mileage as provided in the Per Diem
6 and Mileage Act for nonsalaried state officers.

7 Section 5. DUTIES--FINAL REPORT.--Within ninety days
8 after the legislative reapportionment commission has been
9 formed or the necessary census data are available, whichever
10 is later, the commission shall file a proposed plan for
11 apportioning the senate and house of representatives of the
12 legislature with the secretary of state. At the same time,
13 the commission shall prepare and file a plan for congressional
14 districts. At the next regular or special session of the
15 legislature, the secretary of state shall transmit a copy of
16 the report to the president pro tempore of the senate and the
17 speaker of the house of representatives.

18 Section 6. CRITERIA GOVERNING PLANS.--Congressional and
19 legislative redistricting plans considered by the legislative
20 reapportionment commission shall be governed by the following
21 criteria:

22 A. the census information reported by the United
23 States census bureau and statistical information compiled by
24 the state shall be the exclusive permissible statistical data
25 used by the commission;

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1 B. districts shall preserve traditional
2 neighborhoods and local communities of interest to the maximum
3 extent possible;

4 C. districts shall be substantially equal in
5 population and shall comply with applicable federal standards
6 and statutes;

7 D. districts shall be as compact in area as
8 possible and the aggregate linear distance of all district
9 boundaries shall be as short as possible. Each district shall
10 consist of contiguous whole general election precincts;

11 E. division of counties shall be avoided whenever
12 possible and the number of divisions per county shall be kept
13 to a minimum; and

14 F. counties shall not be divided to protect a
15 particular political party or a particular incumbent.

16 Section 7. STAFF--BUDGET.--The New Mexico legislative
17 council shall furnish necessary staff assistance as the
18 legislative reapportionment commission may require. The
19 council shall prepare and submit a budget for the expenses of
20 the commission for consideration of the legislature not later
21 than the session held in a year ending in a nine preceding the
22 convening of a commission.

23 Section 8. APPEALS.--The supreme court shall have
24 original jurisdiction over actions involving challenges to
25 legislative apportionment.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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4
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6 March 6, 1999

7
8 Mr. President:

9
10 Your RULES COMMITTEE, to whom has been referred

11
12 SENATE BILL 746

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14 has had it under consideration and reports same with
15 recommendation that it DO PASS.

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18 Respectfully submitted,

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23 _____
24 Gloria Howes, Co-Chair

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Adopted _____ Not

1 Adopted _____

2 (Chief Clerk)

(Chief Clerk)

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6 Date _____

7

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9 The roll call vote was 5 For 0 Against

10 Yes: 5

11 No: 0

12 Excused: Altamirano, Campos, Romero

13 Absent: None

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