

Opinion No. 71-31

February 23, 1971

BY: OPINION OF DAVID L. NORVELL, Attorney General

TO: Lieutenant Governor Robert Mondragon State Capitol Building Santa Fe, New Mexico 87501

QUESTIONS

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1. May the President of the Senate vote under any circumstances other than to break a tie on a final passage of a bill?
2. May he vote to break a tie on an amendment to a bill?
3. May he vote to break a tie on final passage of a joint resolution?

CONCLUSIONS

1. Yes, but see analysis.
2. Yes.
3. Yes, but see analysis.

OPINION

{*46} ANALYSIS

The Constitution of the State of New Mexico, Article V, Section 8, provides as follows:

"The Lieutenant Governor shall be President of the Senate, but **shall** vote only when the Senate is equally divided." (Emphasis added).

It is, therefore, my opinion that language of the constitutional provision is mandatory and that you must vote when the Senate is equally divided on any question other than a joint resolution which proposes an amendment to the Constitution. See Attorney General Opinion No. 59-13.

It would appear to me that you are required to vote on joint resolutions which do not propose amendments to the Constitution of the State of New Mexico when the Senate is equally divided, as well as in all other instances when the Senate is equally divided.