

Opinion No. 76-21

July 16, 1976

BY: OPINION OF TONEY ANAYA, Attorney General Jill Z. Cooper, Assistant Attorney General

TO: Richard A. Folmar, Assistant Director, New Mexico Legislative Council, 334 State Capitol, Santa Fe, New Mexico 87503

QUESTIONS

Question

Do the requirements of Section 5-6-24, NMSA, 1953 Comp. apply to a caucus of the majority party of the House of Representatives, called for the purpose of nominating a speaker and other officers of the House or in order to determine party policy on matters pending before the House?

Conclusion

No.

OPINION

{*89} Analysis

Section 5-6-24, NMSA, 1953 Comp. provides the following:

5-6-24. State legislature -- Meetings. -- A. All meetings of a quorum of members of any committee or policy - making body of the state legislature held for the purpose of discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such committee or body are declared to be public meetings open to the public at all times.

B. The provisions of subsection A of this section shall not apply to matters relating to personnel, or matters adjudicatory in nature, or any bill, resolution or other legislative matter not yet presented to either house of the legislature or general appropriation bills.

C. For the purpose of this section, "meeting" means a gathering of the members called by the presiding officer of a standing committee.

It specifically imposes the open meetings requirement on meetings of committees or policy-making bodies of the state legislature which have been called by a presiding officer of a standing committee.

Neither the constitution nor the statutes nor the rules of the House of Representatives establish a caucus of the majority party of the House as a committee of {**90*} the state legislature or as a policy-making body **of the state legislature**. A caucus of the majority, party is a function of a political party and not a function of the state legislature. The open meetings requirement, as defined in Section 5-6-24, **supra**, does not, therefore, apply to a caucus of the majority party of the House of Representatives.