

## CHAPTER 2 Legislative Branch

### ARTICLE 1 Members of Legislature

#### 2-1-1. [Resignation of members.]

Any member of the legislature of the state of New Mexico may resign his office by filing a written statement of such resignation with the secretary of state of New Mexico, and upon the filing of such resignation, the office of senator or representative filled by the person so resigning shall become vacant.

**History:** Laws 1919, ch. 22, § 1; C.S. 1929, § 134-101; 1941 Comp., § 2-101; 1953 Comp., § 2-1-1.

#### ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**Cross references.** — For organization of legislature, see N.M. Const., art. IV.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 81A C.J.S. States § 43.

#### 2-1-2. [Power of officers to administer oaths to witnesses.]

The presiding officer of the senate, the speaker of the house of representatives, or the chairman of any committee of either house, or the chairman of any joint committee of both houses of the legislature, shall have power to administer an oath to any witness who may appear to testify at any investigation being had by either of said houses of the legislature, or any committee or joint committee thereof.

**History:** Laws 1912, ch. 1, § 1; Code 1915, § 1660; C.S. 1929, § 35-2605; 1941 Comp., § 2-103; 1953 Comp., § 2-1-3.

#### ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**Cross references.** — For powers of legislature, see N.M. Const., art. IV.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 72 Am. Jur. 2d States, Territories, and Dependencies §§ 48, 49.

81A C.J.S. States § 57.

### **2-1-3. Compensation as state officer or employee other than that received as a legislator prohibited.**

It is unlawful for any member of the legislature to receive any compensation for services performed as an officer or employee of the state, except such compensation and expense money as he is entitled to receive as a member of the legislature.

**History:** 1941 Comp., § 2-104; Laws 1943, ch. 18, § 1; 1953 Comp., § 2-1-4; Laws 1977, ch. 336, § 2.

#### **ANNOTATIONS**

**Cross references.** — For person holding governmental office ineligible to serve in legislature, see N.M. Const., art. IV, § 3.

**Public school teachers and administrators.** — In enacting this section and 2-1-4 NMSA 1978, the legislature did not intend to prohibit school teachers or administrators from being state legislators while employed by a school district. *State ex rel. Stratton v. Roswell Indep. Schs.*, 1991-NMCA-013, 111 N.M. 495, 806 P.2d 1085.

**"Member of legislature".** — A person who has been elected to the legislature, but who has not qualified, is not a member of that body for purposes of the constitutional prohibition against being appointed to any other civil office. 1962 Op. Att'y Gen. No. 62-145.

A person who was elected to the New Mexico legislature for the first time at the general election in November of 1962 is not a member of the legislature prior to being seated at the session to be convened in January, 1963. 1962 Op. Att'y Gen. No. 62-145.

**"Service performed as an officer"** within the meaning of this section is that which would be performed by one occupying a "civil office" within the meaning of N.M. Const., art. IV, § 28. 1957 Op. Att'y Gen. No. 57-40.

**Section only pertains to legislators who are officers or employees of the state** as such. 1957 Op. Att'y Gen. No. 57-11.

**State employment by legislator resigning during term.** — A state legislator can resign from the legislature and legally obtain state employment during the term for which he was elected. 1977 Op. Att'y Gen. No. 77-25.

**County or municipal employment.** — A state representative working as a county employee is not an employee paid out of state funds, or, when working as a municipal employee, is not an employee paid out of state funds. The source of payment of salary alone is not the sole test; the duties, both as a county employee and as a municipal employee, would be purely local in character. 1957 Op. Att'y Gen. No. 57-93.

**Legislator elected to local school board.** — A member of the state legislature is not precluded by state law from serving as an elected local school board member. 1991 Op. Att'y Gen. No. 91-02.

**Public school instructors and administrators** are state employees within the constraints of the prohibition against serving in the legislature while receiving compensation as an employee of the state. 1988 Op. Att'y Gen. No. 88-20, but see *State ex rel. Stratton v. Roswell Indep. Schs.*, 1991-NMCA-013, 111 N.M. 495, 806 P.2d 1085, which held to the contrary.

**Applicability to employees of state university.** — The decision of the court of appeals in *State ex rel. Stratton v. Roswell Indep. Schs.*, 1991-NMCA-013, 111 N.M. 495, 806 P.2d 1085, that public school teachers and administrators are not state employees within the meaning of this section and 2-1-4 NMSA 1978, does not alter the prohibition under these sections against a person simultaneously serving in the state legislature and as an employee of a state educational institution such as the University of New Mexico. 1991 Op. Att'y Gen. No. 91-05.

**University employee running for legislative seat.** — Employees of the University of New Mexico are not barred statutorily from running for legislative seats, but, if elected to the state legislature, they may not simultaneously serve as members of the legislature and as paid university employees. 1990 Op. Att'y Gen. No. 90-21.

**Attorney retained on a fee basis is an employee of state** under this section and would be prohibited from receiving compensation, except the compensation and expense money to which he is entitled as a legislator. 1945 Op. Att'y Gen. No. 45-4710.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 72 Am. Jur. 2d States, Territories, and Dependencies § 58.

Right to salary of one illegally elected or appointed to legislature, 7 A.L.R. 1682.

Incompatibility, under common-law doctrine, of office of state legislator and position or post in local political subdivision, 89 A.L.R.2d 632.

81A C.J.S. States § 46.

**2-1-4. Payment of other compensation to legislator for acting as officer or employee of state prohibited.**

It is unlawful for any officer of the state of New Mexico to pay to any member of the legislature compensation for services rendered the state of New Mexico as an officer or employee thereof except such compensation and expense money which such member is entitled to receive as a member of the legislature.

**History:** 1941 Comp., § 2-105; Laws 1943, ch. 18, § 2; 1953 Comp., § 2-1-5; Laws 1977, ch. 336, § 3.

## ANNOTATIONS

**Public school teachers and administrators.** — In enacting this section and 2-1-3 NMSA 1978, the legislature did not intend to prohibit school teachers or administrators from being state legislators while employed by a school district. *State ex rel. Stratton v. Roswell Indep. Schs.*, 1991-NMCA-013, 111 N.M. 495, 806 P.2d 1085.

**Section only pertains to legislators who are officers** or employees of the state as such. 1957 Op. Att'y Gen. No. 57-11.

**Resignation as state legislator.** — A state legislator can resign from the legislature and legally obtain state employment during the term for which he was elected. 1977 Op. Att'y Gen. No. 77-25.

**Not applicable to employees of county or municipality.** — A state representative working as a county employee is not an employee paid out of state funds, or, when working as a municipal employee, is not an employee paid out of state funds. The source of payment of salary alone is not the sole test; the duties, both as a county employee and as a municipal employee, would be purely local in character. 1957 Op. Att'y Gen. No. 57-93.

**Legislator elected to local school board.** — A member of the state legislature is not precluded by state law from serving as an elected local school board member. 1991 Op. Att'y Gen. No. 91-02.

**Public school instructors and administrators** are state employees within the constraints of the prohibition against serving in the legislature while receiving compensation as an employee of the state. 1988 Op. Att'y Gen. No. 88-20, but see *State ex rel. Stratton v. Roswell Indep. Schs.*, 1991-NMCA-013, 111 N.M. 495, 806 P.2d 1085, which held to the contrary.

**Applicability to employees of state university.** — The decision of the court of appeals in *State ex rel. Stratton v. Roswell Indep. Schs.*, 1991-NMCA-013, 111 N.M. 495, 806 P.2d 1085, that public school teachers and administrators are not state employees within the meaning of 2-1-3 NMSA 1978 and this section does not alter the prohibition under these sections against a person simultaneously serving in the state legislature and as an employee of a state educational institution such as the university of New Mexico. 1991 Op. Att'y Gen. No. 91-05.

**University employee elected to legislative seat.** — Employees of the university of New Mexico are not barred statutorily from running for legislative seats, but, if elected to the state legislature, they may not simultaneously serve as members of the legislature and as paid university employees. 1990 Op. Att'y Gen. No. 90-21.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 81A C.J.S. States §§ 46, 47, 106.

### **2-1-5. [Penalty for violation of 2-1-3 or 2-1-4 NMSA 1978.]**

Any person violating the provisions of either of the two preceding sections [2-1-3 or 2-1-4 NMSA 1978] shall be guilty of a felony and upon conviction shall be punished by a fine of not less than one thousand dollars (\$1,000.00) nor more than twenty-five hundred dollars (\$2,500.00) or by imprisonment in the state penitentiary for not less than one (1) year nor more than five (5) years or both, such fine and imprisonment in the discretion of the court.

**History:** 1941 Comp., § 2-106, enacted by Laws 1943, ch. 18, § 3; 1953 Comp., § 2-1-6.

#### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

### **2-1-6. [Restraining unlawful payments; jurisdiction; rules and procedure.]**

That any citizen of the state of New Mexico may file suit in the district court of the county wherein such citizen resides for an injunction to restrain any member of the legislature from receiving or any officer from paying any compensation in violation of this act [2-1-3 to 2-1-6 NMSA 1978]; and jurisdiction is hereby conferred upon the various district courts of this state to grant injunctive relief. The rules and law of procedure applicable generally to civil actions for injunctive relief shall apply to such actions.

**History:** 1941 Comp., § 2-107, enacted by Laws 1943, ch. 18, § 4; 1953 Comp., § 2-1-7.

#### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**Cross references.** — For rule of procedure relating to injunctions, see Rule 1-066 NMRA.

## **2-1-7. Emoluments; increase prohibited.**

No law increasing the emoluments for any civil office in the state enacted by the legislature shall be construed to apply or become effective as to any member of the legislature appointed to such office, until one year after expiration of the term for which such person was elected and served if such law was enacted during such term.

**History:** 1953 Comp., § 2-1-7.1, enacted by Laws 1977, ch. 336, § 1.

## **2-1-8. Session per diem and mileage of members.**

Each member of the legislature shall receive per diem at the internal revenue service maximum federal per diem rate for the city of Santa Fe for each day's attendance during each session of the legislature and the internal revenue service standard mileage rate for each mile traveled in going to and returning from the seat of government by the usual traveled route, once each session as defined by Article 4, Section 5 of the constitution of New Mexico.

**History:** 1953 Comp., § 2-1-8, enacted by Laws 1955, ch. 2, § 1; 1972, ch. 1, § 3; 1975, ch. 1, § 10; 1983, ch. 1, § 10; 1997, ch. 154, § 1.

### **ANNOTATIONS**

**Cross references.** — For authorization of per diem and mileage payments as sole compensation for members of legislature, see N.M. Const., art. IV, § 10.

For inapplicability of the Per Diem and Mileage Act to legislators unless specifically made applicable, see 10-8-6 NMSA 1978.

**The 1997 amendment,** effective June 20, 1997, rewrote the section to substitute the internal revenue service per diem rate for specific dollar amounts.

**Legislative intent.** — Payments under this section and 2-1-9 NMSA 1978 are not intended to enrich legislators but only to cover travel expenses. *State ex rel. Udall v. Pub. Employees Ret. Bd.*, 1994-NMCA-094, 118 N.M. 507, 882 P.2d 548, *rev'd on other grounds*, 120 N.M. 786, 907 P.2d 190 (1995).

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 72 Am. Jur. 2d States, Territories, and Dependencies § 58.

Per diem compensation of members and officers of legislature, 1 A.L.R. 276.

81A C.J.S. States § 47.

## **2-1-9. Out-of-state travel; in-state travel.**

A. Out-of-state travel of members, officers and employees of the legislative branch of government shall be exempt from approval by any member of the executive branch.

B. Members of the legislature serving on official business for interim committees within the state shall receive:

(1) per diem at the internal revenue service per diem rate as provided in Section 2-1-8 NMSA 1978 for each day served, including travel time, and the cost of public transportation by the shortest, most direct route or mileage for each mile traveled by the shortest, most direct route by automobiles at the internal revenue service standard mileage rate or by privately owned aircraft at the air mileage rate set out by the rules adopted by the department of finance and administration pursuant to the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978]; and

(2) per diem for one additional day at the internal revenue service per diem rate as provided in Section 2-1-8 NMSA 1978 if, in order to serve on official business for an interim committee, a legislator travels to a location that is one hundred or more miles from the location of the legislator's point of departure; provided that, pursuant to policies adopted by the New Mexico legislative council, per diem under this paragraph shall be paid only if the legislator is not entitled to per diem for travel time as provided in Paragraph (1) of this subsection.

C. Reimbursement for out-of-state travel on committee business shall be as follows:

(1) the cost of the tickets on public transportation by the shortest, most direct route and the cost of airport parking; or

(2) mileage at the same rates established for in-state travel if automobiles or private airplanes are used, based on official mileage by the shortest, most direct route; and

(3) per diem for the number of days spent in travel and on committee business at the in-state rate provided for in Section 2-1-8 NMSA 1978; and

(4) in no event, however, shall the reimbursement for out-of-state travel exceed the dollar amount that would be due if the member had used first class public air transportation by the shortest, most direct route.

**History:** 1953 Comp., § 2-1-8.1, enacted by Laws 1971, ch. 1, § 11; 1972, ch. 1, § 10; 1975, ch. 208, § 1; 1983, ch. 1, § 11; 1997, ch. 154, § 2; 2000, ch. 66, § 1; 2005, ch. 100, § 1.

## ANNOTATIONS

**Cross references.** — For constitutional limitations on per diem and mileage payments to members of the legislature, see N.M. Const., art. IV, § 10.

**The 2005 amendment**, effective June 17, 2005, added Subsection B(2) providing that legislators who travel one hundred or more miles to serve on an interim committee shall receive additional per diem for one additional day.

**The 2000 amendment**, effective March 6, 2000, in Subsection B, inserted "within the state" following "interim committees" and deleted "privately owned" preceding "automobiles"; inserted "and the cost of airport parking" in Subsection C(1); in Subsection C(2), deleted "private" preceding "automobiles" and inserted "private" preceding "airplanes"; and inserted "at the in-state rate provided for in Section 2-1-8 NMSA 1978" in Subsection C(3).

**The 1997 amendment**, effective June 20, 1997, rewrote the section to substitute internal revenue service per diem rates for specific dollar amounts.

**Legislative intent.** — Payments under this section and 2-1-8 NMSA 1978 are not intended to enrich legislators but only to cover travel expenses. *State ex rel. Udall v. Pub. Employees Ret. Bd.*, 1994-NMCA-094, 118 N.M. 507, 882 P.2d 548, *rev'd on other grounds*, 120 N.M. 786, 907 P.2d 190 (1995).

**Applicability of section.** — The legislature intended this section to govern reimbursements to members of the legislative education study committee, the legislative council and the legislative finance committee. 1979 Op. Att'y Gen. No. 79-40.

## **2-1-10. Legislative subpoenas; form; issuance; penalty.**

A. During any regular or special session of the legislature upon request of a standing committee of either house of the legislature and approval by a majority vote of the elected members of the house of which such committee is a part, the presiding officer of the senate or the speaker of the house of representatives shall issue subpoenas to compel the attendance of any witnesses or command the person to whom directed to produce any books, papers, documents or tangible items designated therein, at any investigation or hearing before the body issuing the subpoena.

B. Every subpoena shall be issued by the duly authorized legislative officer, under the name of the house or senate, and shall command each person to whom it is directed to attend and give testimony, or to produce documents or other designated articles at a time and place therein specified. Service of process may be made by any person designated by the officer issuing the subpoena.

C. Witnesses who may be subpoenaed to appear before any body of the legislature, or to produce any designated books, papers, documents or tangible items shall receive as compensation the sum of five dollars (\$5.00) a day for each day they are in actual attendance in obedience to the subpoena, and eight cents (\$.08) for each mile actually and necessarily traveled in coming to or going from the place of examination, but nothing shall be paid for traveling expenses when the witnesses have been subpoenaed at the place of examination.

D. Any person who shall refuse or neglect to comply with a subpoena, duly issued by the proper officer of the legislature, shall upon conviction be guilty of contempt of the legislature, and punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment in the discretion of the judge.

**History:** 1953 Comp., § 2-1-9, enacted by Laws 1959, ch. 200, § 1.

### **ANNOTATIONS**

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 72 Am. Jur. 2d States, Territories, and Dependencies § 50 et seq.

Formalities and requisites of the creation of legislative committees, 28 A.L.R. 1154.

Power of legislative body or committee to compel attendance of nonmember as witness, 50 A.L.R. 21, 65 A.L.R. 1518.

Immunity from criminal prosecution granted to witnesses summoned before legislative committee, 87 A.L.R. 435.

Subpoena duces tecum in proceeding before legislative committee, testing validity or scope of command of, 130 A.L.R. 327.

Injunction against legislative body of state or municipality, 140 A.L.R. 439.

81 C.J.S. States §§ 56 to 60.

### **2-1-11. [Legislative salary review committee; composition; duties.]**

There is continued a legislative salary review committee composed of the speaker of the house of representatives, the president pro tempore of the senate, the chairman of the house appropriations and finance committee, the chairman of the senate finance committee and the chairmen of all respective permanent interim committees. The legislative salary review committee shall review the salary schedules of the employees of all interim legislative committees and make recommendations regarding equitable salary structures.

**History:** 1953 Comp., § 2-1-10, enacted by Laws 1971, ch. 1, § 10.

### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**Cross references.** — For legislative committee meetings open to public, see 10-15-2 NMSA 1978.

## **ARTICLE 2**

### **Advance Copies of New Acts**

#### **2-2-1. [Advance certified copies of enactments.]**

That upon approval by the governor of the state of New Mexico of any act passed by the legislature the secretary of state shall forthwith cause to be printed typewritten or multigraphed copies of such act and immediately shall after having certified same, as true copies, transmit one such copy to each county clerk of the state.

**History:** Laws 1927, ch. 122, § 1; C.S. 1929, § 138-301; 1941 Comp., § 2-201; 1953 Comp., § 2-2-1.

#### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**Compiler's notes.** — The title of Laws 1927, ch. 122, provided for the transmittal by the secretary of state to the clerk of the district court, but this section provides for transmittal to the county clerk.

#### **2-2-2. [Preservation as part of public records.]**

The clerk in each county of the state shall provide a suitable binder and upon receipt from the secretary of state of a printed copy of any such law shall insert such copy in said binder and preserve the file as a part of the public records of his office for the inspection of public officers and parties interested, as other public records.

Provided, that after the receipt by such clerk of the bound volume of the session laws containing the same laws theretofore filed in the binder the contents of said binder may be removed and destroyed.

Provided further, that this act [2-2-1, 2-2-2 NMSA 1978] shall not apply to acts not carrying the emergency clause, nor to the act known as the Conservancy Act of New Mexico [73-14-1 NMSA 1978].

Provided further, that the chief clerk of the senate shall deliver to the secretary of state sufficient printed copies of the 1927 Election Code to be completed and certified by the secretary of state for transmission as aforesaid.

Provided further, that the secretary of state shall prepare, as herein provided, and transmit copies of road bills to clerks of such counties only as are affected thereby.

**History:** Laws 1927, ch. 122, § 2; C.S. 1929, § 138-302; 1941 Comp., § 2-202; 1953 Comp., § 2-2-2.

## ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**Compiler's notes.** — The 1927 Election Code was compiled as 3-1-1 et seq., 1953 Comp., and was repealed by Laws 1969, ch. 240, § 451. For present Election Code, see Chapter 1 NMSA 1978.

## ARTICLE 3 Legislative Council

### 2-3-1. New Mexico legislative council created.

There is created a legislative joint committee of the house and senate to be designated "the New Mexico legislative council," composed of sixteen members, eight from the house and eight from the senate. The president pro tempore and the minority floor leader of the senate and the speaker of the house of representatives and the minority floor leader of the house shall automatically be members of the council. Six of the remaining members shall be appointed from the house of representatives by the speaker; provided that, if the minority is entitled to more than one member, the additional minority members shall be appointed by the speaker only from recommendations made by the minority floor leader, although the speaker shall retain the right to reject any such recommendations; and six of the remaining members shall be appointed from the senate by the committees' committee or, if the appointments are made in the interim, by the president pro tempore after consultation with and agreement of a majority of the members of the committees' committee. If the minority is entitled to more than one member, one of the remaining six members shall be appointed by the senate minority floor leader. The appointed members of the council shall be appointed from each house so as to give the two political parties having the most members in each house the same total proportionate representation on the council as prevails in that house; providing [provided] that in the computation, major fractions shall be counted as whole numbers, and in no event shall either of the two major parties have less than one member from each house. The members shall be appointed for terms of two years or less expiring on the first day of the regular session held in odd-numbered years. The term of any member shall terminate when such member ceases to be a member of the legislature. Provided, however, that members of the council reelected to the legislature shall continue to serve as members of the council until their successors are appointed. Vacancies on the council may be filled for the unexpired term by

appointment from the house or senate respectively by the respective appointing authority which makes the original appointments and subject to the same recommendations; provided such new members must be from the same body of the legislature and the same party from which their predecessors were appointed. The council shall elect such other officers as may be deemed necessary from among its own members. The officers shall be elected for terms coterminous with their membership on the council. The speaker and the president pro tempore shall be co-chairmen of the council. No action shall be taken by the council if a majority of the total membership from either house on the council rejects such action. This 1978 amendment shall not be construed to cut short the term of any member already appointed to the council.

**History:** 1941 Comp., § 2-401, enacted by Laws 1951, ch. 182, § 1; 1953 Comp., § 2-3-1; Laws 1955, ch. 286, § 1; 1957, ch. 72, § 1; 1978, ch. 21, § 10.

## ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**Cross references.** — For workers' compensation oversight committee, see Chapter 52, Article 7 NMSA 1978.

**Computing party membership.** — This section requires that total council membership from each house be used in computing proportionate party membership in the legislative council. 1969 Op. Att'y Gen. No. 69-26.

The speaker of the house and the president pro tempore of the senate must be included in computing party membership from their respective houses for purposes of this section. 1969 Op. Att'y Gen. No. 69-26.

**Agreements or contracts entered into in past by the capitol buildings improvement commission** in connection with buildings covered by 2-3-5 NMSA 1978 are binding on the legislative council and must be enforced by the legislative council service. 1967 Op. Att'y Gen. No. 67-60.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 72 Am. Jur. 2d States, Territories, and Dependencies §§ 50 to 54, 57.

Formalities and requirements for the creation of legislative committees, 28 A.L.R. 1154.

81A C.J.S. States § 55.

### **2-3-2. Legislative council service created.**

There hereby is created a legislative council service for the use of the members of the legislature, the governor and the various departments, institutions and agencies of

this state that may desire to avail themselves of its services. Notwithstanding the availability of the legislative council service to the various departments, institutions and agencies of this state, it is a part of the legislative branch of the government, and shall conduct itself with strict regard to the division of powers among the legislative, executive and judicial branches of the government of this state. Such legislative council service shall assist and cooperate with the legislative council and with any interim legislative committee or commission created by the legislature or appointed by the governor at their request.

**History:** 1941 Comp., § 2-402, enacted by Laws 1951, ch. 182, § 2; 1953 Comp., § 2-3-2; Laws 1955, ch. 286, § 2.

## ANNOTATIONS

**Compiler's notes.** — Laws 2009, ch. 114, §§ 6 & 7, effective April 6, 2009, provided that one million dollars of the unexpended balance of the appropriations to the legislative council service in Laws 2007, ch. 192, § 1 for the purpose of constructing and renovating capital north and the capitol, and as reauthorized for an expanded purpose in Laws 2008, ch. 83, § 381, may be expended by the legislative council service in fiscal years 2009 through 2012 for the capitol buildings planning commission master planning process for statewide state facilities, including the completion of the parking structure in the central capitol campus in Santa Fe.

### **2-3-3. Legislative council; powers; duties.**

It is the duty of the New Mexico legislative council to:

A. adopt rules and regulations for the administration of Chapter 2, Article 3 NMSA 1978 in the conduct of the affairs of the legislative council service;

B. formulate policies for the operation and conduct of the business of the legislative council service and generally to supervise all of the activities of the council service;

C. carry out the purposes of the legislative council service as hereafter set forth;

D. create committees of legislators to study major problems during the periods when the legislature is not in session; provided that:

(1) no member of the council shall serve as an officer on an interim committee appointed or created by the council;

(2) all committees created by the council shall terminate on or before December 1 of the year in which they are created unless the council subsequently extends the life of the committee for not more than one month;

(3) the minority party shall be represented on all council-created committees in the proportion the minority party is represented in each house;

(4) the relationship of the size of the house and senate shall be taken into consideration in determining the number of members from each house appointed to an interim committee created by the council; and

(5) members shall be appointed to council-created committees by the same appointing authorities that appoint the council members from each house and subject to the same recommendations. The council shall name committee officers from among the committee members so appointed;

E. adopt rules of procedure for all committees created by the council, including a rule that no action shall be taken by a committee if a majority of the total membership from either house on the committee rejects such action; provided that no member of the legislature shall ever be excluded from any meeting of any committee appointed by the council; and

F. refrain from advocating or opposing the introduction or passage of legislation.

**History:** 1941 Comp., § 2-403, enacted by Laws 1951, ch. 182, § 3; 1953 Comp., § 2-3-3; Laws 1955, ch. 286, § 3; 1978 Comp., § 2-3-3; 1978, ch. 21, § 11; 2023, ch. 176, § 1.

## ANNOTATIONS

**The 2023 amendment**, effective June 16, 2023, allowed a member of the New Mexico legislative council to serve as a voting member on an interim committee appointed or created by the New Mexico legislative council; added "legislative" preceding "council" throughout; in Subsection A, after "administration of", deleted "this act" and added "Chapter 2, Article 3 NMSA 1978"; and in Subsection D, Paragraph D(1), after "shall serve as an officer", deleted "or voting member".

**Redistricting committee.** — Laws 2011, ch. 185, §§1 to 6, effective June 17, 2011, created a joint interim legislative redistricting committee. The committee, composed of eighteen members, functioned from the date of its appointment until January 13, 2012.

**Military and veterans' affairs committee.** — Laws 2009, ch. 116, § 1, effective June 19, 2009, created the military and veterans' affairs committee. The committee, composed of eight voting members, functioned from the date of its appointment until the second session of the forty-ninth legislature.

## **2-3-4. [Control of building housing legislature, adjacent utility plant and surrounding grounds.]**

Notwithstanding the provisions of Chapter 6, Articles 1 and 2, NMSA 1953, the exclusive control, care, custody and maintenance of the building in which the legislature

is housed, the adjacent utilities plant and the surrounding grounds are transferred from the capitol buildings improvement commission, and the capitol custodian commission, to the legislative council.

**History:** 1953 Comp., § 2-3-3.1, enacted by Laws 1967, ch. 73, § 1.

## ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**Compiler's notes.** — The provisions of Chapter 6, Articles 1 and 2, 1953 Comp., referred to in this section, are compiled as 13-4-6 to 13-4-9, 13-5-3, 13-6-1, 13-6-3, 15-3-5 to 15-3-17, 15-4-2 [repealed], 15-4-3 [repealed] and 15-5-1 [recompiled as 9-27-20] to 15-5-6 [recompiled as 9-27-25] NMSA 1978.

Sections 6-2-1 to 6-2-12, 1953 Comp., relating to the capitol buildings improvement commission, were repealed by Laws 1968, ch. 43, § 15.

Laws 1971, ch. 285, § 4, which was compiled as 6-1-9.2, 1953 Comp., before being repealed by Laws 1977, ch. 247, § 209, abolished the capitol custodian commission.

**Legislative council did not exceed its statutory authority in prohibiting in-person attendance at a special session of the legislature.** — Where, in response to a pervasive health crisis occasioned by the COVID-19 pandemic and consistent with the governor's executive orders encouraging all governmental branches to take steps to curb the spread of the virus and the secretary of health's emergency stay-at-home orders, the New Mexico legislative council, the legislative body entrusted with the care and custody of the state capitol, promulgated a directive prohibiting on-site, public attendance at an upcoming special legislative session that was called to address COVID-19-related issues, and where petitioners sought a writ of mandamus declaring unlawful that portion of the council's directive prohibiting in-person attendance at the special session, this section authorizes the council's consideration of the safety of people in exercising its operational authority over the capitol complex and therefore the council did not overstep its statutory authority in taking action to address pressing public safety concerns arising from the public's physical presence at a special legislative session. *Pirtle v. Legis. Council*, 2021-NMSC-026.

### **2-3-5. [Insurance of buildings; contracts for care and management of property; records of transactions; assignment of space in buildings.]**

The director of the legislative council service, under the direction of the legislative council, shall:

- A. insure the buildings and their contents;

B. keep a full and complete record of all transactions;

C. sign all contracts and other papers necessary to be signed in the care and management of the property under his control;

D. have custody and control of all maps, deeds, plats, plans and specifications, contracts, books and other papers connected with the buildings and grounds under his control;

E. provide for the preservation, repair, care, cleaning, heating and lighting of the buildings and improvements under his control;

F. provide for the care and beautifying of the grounds and premises;

G. employ the necessary employees and provide and enforce the rules and regulations for the conduct of such employees;

H. assign all space in the buildings under his control; and

I. make all rules and regulations for the conduct of all persons in and about the buildings and grounds under his control necessary and proper for the safety, care and preservation of the same.

**History:** 1953 Comp., § 2-3-3.2, enacted by Laws 1967, ch. 73, § 2.

## ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**Legislative council did not exceed its statutory authority in prohibiting in-person attendance at a special session of the legislature.** — Where, in response to a pervasive health crisis occasioned by the COVID-19 pandemic and consistent with the governor's executive orders encouraging all governmental branches to take steps to curb the spread of the virus and the secretary of health's emergency stay-at-home orders, the New Mexico legislative council, the legislative body entrusted with the care and custody of the state capitol, promulgated a directive prohibiting on-site, public attendance at an upcoming special legislative session that was called to address COVID-19-related issues, and where petitioners sought a writ of mandamus declaring unlawful that portion of the council's directive prohibiting in-person attendance at the special session, this section authorizes the council's consideration of the safety of people in exercising its operational authority over the capitol complex and therefore the council did not overstep its statutory authority in taking action to address pressing public safety concerns arising from the public's physical presence at a special legislative session. *Pirtle v. Legis. Council*, 2021-NMSC-026.

## **2-3-6. [Control of state library building and surrounding grounds.]**

Notwithstanding the provisions of Chapter 6, Article 1, NMSA 1953, the exclusive control for the care, custody and maintenance of the building in which the state library is housed, and the surrounding grounds, are [is] transferred from the capitol custodian commission to the legislative council.

**History:** 1953 Comp., § 2-3-3.3, enacted by Laws 1970, ch. 85, § 1.

### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and is not part of the law.

**Compiler's notes.** — The provisions of Chapter 6, Article 1, 1953 Comp., referred to in this section, are compiled as 13-4-6 to 13-4-9, 13-5-3, 13-6-1, 13-6-3, 15-3-5 to 15-3-17, 15-4-1, 15-4-3, and 15-5-1 to 15-5-6 NMSA 1978.

For abolishment of capitol custodian commission, see the compiler's note to 2-3-4 NMSA 1978.

## **2-3-7. [Insurance of building; records of transactions; contracts for care and management of property.]**

The director of the legislative council service, under the direction of the legislative council, shall:

A. insure the building and its contents, including the valuable papers, documents and books;

B. keep a full and complete record of all transactions;

C. sign all contracts and other papers necessary to be signed in the care and management of the property under his control;

D. have custody and control of all maps, deeds, plats, plans and specifications, contracts, books and other papers connected with the building and grounds under his control;

E. provide for the preservation, repair, care, cleaning, heating and cooling and lighting of the building and improvements under his control;

F. provide for the care and beautifying of the grounds and premises;

G. employ the necessary employees and provide and enforce the rules and regulations for the conduct of such employees; and

H. make all rules and regulations for the conduct of all persons in and about the building and grounds under his control necessary and proper for the safety, care and preservation of the same.

**History:** 1953 Comp., § 2-3-3.4, enacted by Laws 1970, ch. 85, § 2.

## ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**Legislative council did not exceed its statutory authority in prohibiting in-person attendance at a special session of the legislature.** — Where, in response to a pervasive health crisis occasioned by the COVID-19 pandemic and consistent with the governor's executive orders encouraging all governmental branches to take steps to curb the spread of the virus and the secretary of health's emergency stay-at-home orders, the New Mexico legislative council, the legislative body entrusted with the care and custody of the state capitol, promulgated a directive prohibiting on-site, public attendance at an upcoming special legislative session that was called to address COVID-19-related issues, and where petitioners sought a writ of mandamus declaring unlawful that portion of the council's directive prohibiting in-person attendance at the special session, this section authorizes the council's consideration of the safety of people in exercising its operational authority over the capitol complex and therefore the council did not overstep its statutory authority in taking action to address pressing public safety concerns arising from the public's physical presence at a special legislative session. *Pirtle v. Legis. Council*, 2021-NMSC-026.

### **2-3-8. Purpose and duties of legislative council service.**

The purpose and duties of the legislative council service shall be:

A. to assist the legislature of the state of New Mexico in the proper performance of its constitutional functions by providing its members with impartial and accurate information and reports concerning the legislative problems which come before them; by providing digests showing the practices of other states and foreign nations in dealing with similar problems;

B. when so requested to secure information for and to report to the legislators of this state on the social and economic effects of statutes of this state or elsewhere by cooperating with the legislative service agencies in other states and other reference agencies and libraries;

C. to furnish to the members of the legislature of this state the assistance of expert draftsmen, qualified to aid the legislators in the preparation of bills for introduction into the legislature;

D. to recommend to the legislature measures which will improve the form and working of the statutes of this state, and clarify and reconcile their provisions;

E. to provide for the legislature adequate staff facilities and to provide the adequate expert assistance without which no legislature can properly perform its required functions;

F. to prepare and index for printing as promptly as possible after the adjournment of each session the session laws therefor, which compilation shall include all resolutions and acts which the legislature has adopted or passed during the session, and have received the approval of the governor when such approval is necessary.

**History:** 1941 Comp., § 2-404, enacted by Laws 1951, ch. 182, § 4; 1953 Comp., § 2-3-4; Laws 1955, ch. 286, § 4.

### **2-3-9. [Codification of election laws; consultation with election officials.]**

The legislative council shall instruct the legislative council service to codify all laws pertaining to elections. The codification shall be done in consultation with the secretary of state and other state and local election officials, and in such manner that conflicts or other matters requiring policy decisions and substantive revisions shall be shown in alternative provisions.

**History:** 1953 Comp., § 2-3-4.1, enacted by Laws 1967, ch. 271, § 1.

#### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

### **2-3-10. [Review of election laws; recommendations as to re-registration of voters; improvement of purge laws; information made available to legislature.]**

After the codification with its alternative provisions is complete, the legislative council shall study the draft codification and alternate provisions, as well as any suggestions or recommendations made by election officials, and especially any substantive recommendations pertaining to statewide re-registration of voters and the improvement of the purge laws, and shall make this material available to members of the legislature.

**History:** 1953 Comp., § 2-3-4.2, enacted by Laws 1967, ch. 271, § 2.

#### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

### **2-3-11. [Director of service; qualifications; tenure; compensation.]**

The legislative council service shall be in charge of a director appointed by the legislative council. He shall be appointed by it without reference to party affiliation, and solely on ground of fitness to perform the duties of his office. He shall be well versed in political science and in the methods of legal research and bill drafting, and, preferably, shall have legal training and shall have practical bill drafting experience. He shall hold office from the date of his appointment until such time as he be removed by majority vote of the legislative council so appointing him or of any succeeding legislative council, but in the event of any such removal, he shall be given six (6) months' notice of the termination of his appointment or shall be paid six (6) months' salary as terminal pay. He shall be paid such salary as shall be fixed by the legislative council and any necessary traveling expenses payable as salary and expenses as other state officials are paid.

**History:** 1941 Comp., § 2-405, enacted by Laws 1951, ch. 182, § 5; 1953 Comp., § 2-3-5.

### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**This section is not continuing appropriation;** a further, specific appropriation is necessary to authorize payment of public funds to pay for staff and other necessary support for interim activities of the legislature as allowed by N.M. Const., art. IV, § 30. 1985 Op. Att'y Gen. No. 85-02.

### **2-3-12. Duties of director; additional employees.**

The director of the legislative council service shall recommend to the legislative council the appointment of such technical, clerical and stenographic assistants as may be necessary to carry out the provisions of this act, and the legislative council, upon concurring in such appointments, shall fix the compensation of each employee within the appropriations made by the legislature for the use of the legislative council. Such employees shall be appointed without regard to party affiliation and solely on ground of fitness to perform the duties of the position for which they are hired. For a period commencing approximately one month prior to each session and until approximately fifteen days after the final adjournment thereof, at any regular or special session, the director may employ, subject to the approval of the legislative council, at a compensation to be fixed by the council within its budget allowance, such extra stenographic and emergency assistants, including expert legal draftsmen qualified to aid the legislators in the preparation and drafting of bills for introduction into the

legislature, as may be necessary to expeditiously handle the work of the council service immediately prior to, during and immediately after the legislative sessions.

**History:** 1941 Comp., § 2-406, enacted by Laws 1951, ch. 182, § 6; 1953 Comp., § 2-3-6; Laws 1955, ch. 286, § 5.

## ANNOTATIONS

**Compiler's notes.** — The words "this act" in the middle of the first sentence refer to Laws 1951, ch. 182, which is compiled as 2-3-1 to 2-3-3, 2-3-8 and 2-3-11 to 2-3-16 NMSA 1978.

**Cross references.** — For director serving on commission for promotion of uniformity of legislation in the United States, see 2-4-1 NMSA 1978.

For provision making director the ex-officio secretary of the commission on intergovernmental cooperation, see 11-2-1 NMSA 1978.

### **2-3-13. [Services; confidential nature.]**

Neither the director nor any employee of the council service shall reveal to any person outside of the service the contents or nature of any request or statement for service, except with the consent of the person making such request or statement. They shall not urge or oppose any legislation, nor give to any member of the legislature advice concerning the economic or social effect of any bill or proposed bill except upon the request of such member.

**History:** 1941 Comp., § 2-407, enacted by Laws 1951, ch. 182, § 7; 1953 Comp., § 2-3-7.

## ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

### **2-3-13.1. Legislative documents; gender-neutral language; legislative council service.**

A. As used in this section:

(1) "gender-neutral" means language that does not expressly or implicitly refer to one gender to the real or apparent exclusion of the other and expressly or implicitly refers to both genders without distinguishing between them; and

(2) "gender-specific" means language that expressly or implicitly refers to one gender to the real or apparent exclusion of the other or expressly or implicitly refers to both genders and distinguishes between them.

B. Except as limited in Subsection C of this section, the legislative council service shall use gender-neutral language in drafting bills to enact, amend or revise laws and in drafting memorials, resolutions and other legislative documents; provided that gender-neutral language shall not be used if language is intended or required to be gender-specific or the intended meaning of language would otherwise be altered.

C. Whenever current laws and other published legislative documents are the subject of a legislative request to the legislative council service for amendment or revision, the legislative council service as part of its work shall replace gender-specific language with gender-neutral language where appropriate and reasonable.

**History:** Laws 2013, ch. 141, § 1.

## ANNOTATIONS

**Effective dates.** — Laws 2013, ch. 141 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective June 14, 2013, 90 days after the adjournment of the legislature.

### **2-3-14. Quarters; files and indexes; cooperation with and by other agencies; cooperation with other states.**

The legislative council and legislative council service shall be provided with adequate quarters at the state capitol where the council service will be conveniently accessible to the members of the legislature and to other persons having official business with it. The council service shall be kept open during the time provided by law for other state offices and when the legislature is in session, at such hours, day and night, as are most convenient to the legislators. It shall keep and file copies of all bills, resolutions, amendments, memorials, reports of committees, journals and other documents printed by order of either house of the legislature unless readily available elsewhere; and collect, catalog and index the same as soon as practicable after they have been printed; if appropriations are made therefor, keep an index of the action on each bill, resolution, memorial [and] amendment by each house of the legislature, by any committee of the legislature and by the governor. Such digests and indexes shall be printed and distributed at such intervals as the director may deem practicable.

The facilities of the state supreme court library, and of any other library maintained by the state, shall be available for the use of the council service, subject to the rules of such libraries. Each state department and all other state institutions shall, to a reasonable extent and upon request, furnish to the legislative council service such documents, material or information as may be requested by the members of the legislative council or by the director of the legislative council service, which are not

made confidential by law. The legislative council service shall cooperate with the legislative service agencies of other states, and shall interchange information and research material with them.

**History:** 1941 Comp., § 2-408, enacted by Laws 1951, ch. 182, § 8; 1953 Comp., § 2-3-8; Laws 1955, ch. 286, § 6.

## ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and is not part of the law.

**Cross references.** — For protection of confidentiality of certain public records, see 14-2-1 NMSA 1978.

### **2-3-14.1. State agencies; reports.**

A. No state agency shall submit or send to the members of the legislature any material other than proposed legislation in excess of five pages.

B. Nothing in this section shall limit the response of any agency to a direct request of a legislator or group of legislators nor the submission of the executive budget.

C. All reports to the legislature by a state agency shall be filed in duplicate with the legislative council service and such reports shall not be subject to the page limitations of this section. The service shall compile a list of the reports submitted prior to each regular legislative session since the beginning of the previous regular session, listing the title and agency, and distribute the list among the legislators during the first week of the session.

D. Any legislator may request any report, including those listed pursuant to Subsection C of this section. Upon such a request, the state agency shall furnish the report to the legislator.

E. Compliance by a state agency with Subsection C of this section shall fulfill any requirement of a state agency to report to the legislature, unless the requirement is specifically exempted from the requirements of this section.

F. No state agency shall submit material bound other than by staples unless the bulk or other qualities of the material require other bindings; provided that in all cases the most economical method of binding and packaging shall be used.

G. For the purposes of this section "state agency" means any agency, division or instrumentality of the state, but does not include political subdivisions and educational institutions or any of the legislature's divisions [divisions], instrumentalities or committees.

**History:** Laws 1985, ch. 19, § 1.

#### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

### **2-3-15. Reimbursement.**

The director of the legislative council service and all technical, clerical and stenographic assistants shall be reimbursed as provided in the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978] while on official duty in the same manner as other state employees. The members of the council and other members of the legislature approved by the council shall be reimbursed for travel on council business as provided in Section 2-1-9 NMSA 1978.

**History:** 1941 Comp., § 2-409, enacted by Laws 1951, ch. 182, § 9; 1953 Comp., § 2-3-9; Laws 1955, ch. 286, § 7; 1983, ch. 1, § 12.

#### **ANNOTATIONS**

**Cross references.** — For compensation of state employees, see 10-7-2 NMSA 1978.

**Legislature intended 2-1-9 NMSA 1978 to govern certain reimbursements** to members of the legislative education study committee, the legislative council and the legislative finance committee. 1979 Op. Att'y Gen. No. 79-40.

### **2-3-16. [Cooperation of attorney general.]**

The attorney general shall advise and consult with the legislative council and the legislative council service and render all legal services and service in the drafting of bills required when requested to do so by the said council or its representatives.

**History:** 1941 Comp., § 2-411, enacted by Laws 1951, ch. 182, § 11; 1953 Comp., § 2-3-10.

#### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

### **2-3-17. Expenditures of funds; budgets.**

Payments from funds appropriated for the use of the legislative council and legislative council service shall be made only upon vouchers submitted to the department of finance and administration by the director of the legislative council or his

authorized representative, and by warrants signed by the secretary of finance and administration.

**History:** 1953 Comp., § 2-3-11, enacted by Laws 1955, ch. 286, § 8; 1957, ch. 72, § 2; 1977, ch. 247, § 9.

### **2-3-18. Legislative fiscal analyst transferred.**

The position of "legislative fiscal analyst" formerly existing as a joint position under the director of the legislative council and the legislative finance committee is transferred to the legislative council service. The legislative fiscal analyst shall be a staff member of the legislative council service. The legislative fiscal analyst shall assist the legislature, its various committees and individual legislators by providing, upon request, impartial and objective analysis of the fiscal problems of New Mexico's state and local government and such other financial information as may be required. The legislative fiscal analyst shall prepare and make available to all members of the legislature, upon request, quarterly reports concerning the financial condition of the state government. These reports shall contain information about revenues, expenditures and outstanding obligations of the state, and significant developments in areas affecting state finance.

The funds heretofore budgeted and appropriated for the salary and employee benefits of the legislative fiscal analyst, and his budgeted travel expense, and all files, equipment and other materials belonging to the legislative fiscal analyst are transferred with the position of the legislative fiscal analyst to the legislative council service.

Information in the files of the legislative council not made confidential by law shall be made available to the legislative finance committee upon request and information in the files of the legislative finance committee shall be available to the legislative council upon request.

**History:** 1953 Comp., § 2-3-12, enacted by Laws 1965, ch. 160, § 4.

### **ANNOTATIONS**

**Cross references.** — For confidential nature of services of the legislative council service, see 2-3-13 NMSA 1978.

For cooperation with legislative finance committee, see 2-5-7 NMSA 1978.

For confidentiality of certain public records, see 14-2-1 NMSA 1978.

### **2-3-19. Capital outlay expenditure allocations; legislators and governor; publication.**

The legislative council service shall publish on the legislative website a searchable list of capital projects that passed the legislature and the name of each legislator or the

governor who allocated a portion of the capital outlay appropriation or bond authorization for each project and the amount of the allocation designated by each legislator and the governor. The capital projects list, including vetoes, shall be published thirty days after adjournment of each legislative session in which a capital projects list is approved by both chambers of the legislature.

**History:** Laws 2021, ch. 122, § 1.

## ANNOTATIONS

**Applicability.** — Laws 2021, ch. 122, § 2 provided that Laws 2021, ch. 122, § 1 applies to the first session of the fifty-fifth legislature and succeeding legislatures.

**Emergency clauses.** — Laws 2021, ch. 122, § 3 contained an emergency clause and was approved April 7, 2021.

### **2-3-20. Required publication of appropriation allocations in a supplemental general appropriation act.**

A. The legislative council service shall publish on the legislative website a searchable list of each appropriation contained in a supplemental general appropriation act that passes the legislature after January 17, 2023. The list shall include the name of each legislator who allocates a portion of each appropriation and the amount of the verified allocation. The list, including vetoes, shall be published thirty days after the adjournment of the legislative session in which the supplemental general appropriation act is approved by both chambers of the legislature.

B. For the purposes of this section, a "supplemental general appropriation act" is an act that includes appropriations:

(1) for the expense of the executive, legislative and judiciary departments that are supplemental to the appropriations contained in separate legislation specifically designated as the "general appropriation act" of the relevant calendar year; and

(2) that are comprised of allocations by each member of the legislature of specific sums to specific objects.

**History:** Laws 2023, ch. 209, § 1.

## ANNOTATIONS

**Effective dates.** — Laws 2023, ch. 209, § 2 made Laws 2023, ch. 209, § 1 effective April 7, 2023.

## ARTICLE 4

### Commission for Promotion of Uniform Legislation

#### 2-4-1. Commission for the promotion of uniformity of legislation in the United States.

A. There is created a "commission for the promotion of uniformity of legislation in the United States", also known as the "uniform law commission". Its membership shall consist of:

(1) four members of the legislature, who are members of the state bar of New Mexico and who shall be appointed by the New Mexico legislative council, consisting of one member from each of the two major parties in the New Mexico senate and in the New Mexico house of representatives;

(2) any member of the New Mexico bar who has represented New Mexico as a member of the uniform law commission for twenty or more years and who has been elected as a life member of the uniform law commission;

(3) four members of the New Mexico bar, who shall be appointed by the New Mexico legislative council;

(4) two members of the New Mexico bar, who shall be appointed by the governor;

(5) the dean of the university of New Mexico law school or the dean's designee; and

(6) the director of the legislative council service, who shall serve ex officio.

B. The members shall be known as "uniform law commissioners" whose purpose is to promote uniformity of legislation in the United States.

**History:** 1953 Comp., § 2-4-1, enacted by Laws 1967, ch. 234, § 1; 1989, ch. 119, § 1; 1999, ch. 25, § 1; 2009, ch. 161, § 1.

#### ANNOTATIONS

**The 2009 amendment**, effective July 1, 2009, in Subsection A, after "United States", added "also known as the 'uniform law commission'"; added Paragraph (2) of Subsection A; and in Paragraph (3) of Subsection A, after "legislative council", deleted "and who shall serve on the commission at their own expense"; and in Subsection B, after "members shall be known as", deleted "'commissioners for the promotion of uniformity of legislation in the United States'" and added "'uniform law commissioners' whose purpose is to promote uniformity of legislation in the United States".

**The 1999 amendment**, effective July 1, 1999, substituted "four members" for "two members" at the beginning of Subsection B.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 82 C.J.S. Statutes §§ 73, 358 to 361.

## **2-4-2. [Duties of commissioners.]**

It shall be the duty of said commissioners to examine the subjects of marriage, divorce and other subjects of legislation concerning which uniform legislation throughout the United States is desirable; to confer with like commissioners from other states concerning such matters, and to use their best efforts in bringing about such uniformity of legislation on all subjects which they deem desirable.

**History:** Laws 1917, ch. 77, § 2; C.S. 1929, § 134-1502; 1941 Comp., § 3-402; 1953 Comp., § 2-4-2.

### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

**Cross references.** — For duties of commission on intergovernmental cooperation, including formulating proposals for, and facilitation of, uniform legislation, see 11-2-2 NMSA 1978.

## **2-4-3. [Report to legislature.]**

Said commissioners shall report to the legislature from time to time, giving the result of their investigations, and making such recommendations with respect to the adoption of uniform legislation as they may deem proper.

**History:** Laws 1917, ch. 77, § 4; C.S. 1929, § 134-1504; 1941 Comp., § 3-404; 1953 Comp., § 2-4-4.

### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

## **ARTICLE 5 Legislative Fiscal Control**

### **2-5-1. Legislative finance committee created; terms; vacancies.**

A. There is created a continuing joint interim committee of the legislature to be designated the "legislative finance committee". The committee shall be composed of sixteen members, eight members from the house of representatives and eight members from the senate. The chairmen of the house appropriations and finance and house taxation and revenue committees and the senate finance committee or members of their respective committees designated by each of them from time to time shall be members. The minority party shall be represented on the committee by at least one member from each house. Six of the remaining members shall be appointed from the house of representatives by the speaker, and the seven remaining members shall be appointed from the senate by the committees' committee or, if the appointments are made in the interim, by the president pro tempore after consultation with and agreement of a majority of the members of the committees' committee. An appointed member may designate a member of his party to serve in his place at a committee meeting at which the regular member is going to be absent if the member notifies the chairman of the legislative finance committee of his anticipated absence and his designee at least twenty-four hours before the committee meeting. The appointed members of the committee shall be appointed from each house so as to give the two political parties having the most members in each house the same total proportionate representation on the committee as prevails in that house; provided that in the computation, major fractions shall be counted as whole numbers. Minority members from the house shall be appointed by the speaker only from recommendations made by the minority floor leader, although the speaker shall retain the right to reject any such recommendations.

B. 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. The term of any member shall terminate when the member ceases to be a member of the legislature.

C. Vacancies in the committee may be filled for the unexpired term by appointment from the house or senate respectively by the respective appointing authority that makes the original appointments and subject to the same recommendations; provided the new members shall be from the same house of the legislature and the same party from which their predecessors were appointed. The committee shall elect from its membership such other officers as may be deemed necessary. The officers shall be appointed for terms coterminous with their membership on the committee. Each office shall be alternated between the respective houses each two years. For the terms beginning in 1979, the chairman shall be a senate member and the vice chairman, if any, shall be a house member. The appointing authority of each house shall exercise its appointing authority by naming the chairman or vice chairman, respectively, on this alternating basis.

D. No action shall be taken by the committee if a majority of the total membership from either house on the committee rejects the action.

**History:** 1953 Comp., § 2-5-1, enacted by Laws 1957, ch. 3, § 1; 1978, ch. 21, § 12; 1991, ch. 73, § 1.

## ANNOTATIONS

**Cross references.** — For committee hearing prior to the termination of any state agency, see 12-9-19 NMSA 1978.

**The 1991 amendment,** effective April 1, 1991, designated the formerly undesignated provisions as Subsections A to D; in Subsection A, rewrote the second sentence which read "The committee shall be composed of eight members, four members from the house of representatives and four members from the senate", substituted "Six of the remaining members" for "Two of the remaining members" and "seven remaining members" for "three remaining members" in the fifth sentence, and added the sixth sentence, and made minor stylistic changes throughout the section.

**Advisory members.** — The appointing authorities for the legislative finance committee do not have the authority to enlarge the membership of that committee to include advisory members and confer upon those advisory members the right to vote. 1987 Op. Att'y Gen. No. 87-19.

**Legislature intended 2-1-9 NMSA 1978 to govern certain reimbursements** to members of the legislative education study committee, the legislative council and the legislative finance committee. 1979 Op. Att'y Gen. No. 79-40.

**Who may be compensated for expenses.** — Excluding the chairmen of three specified standing committees, or their designees, the five other members of the legislative finance committee may be reimbursed for expenses incurred for actually serving on the committee, but this section precludes substitution for these five members. 1979 Op. Att'y Gen. No. 79-40.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — Formalities and requisites of the creation of legislative committees, 28 A.L.R. 1154.

81A C.J.S. States §§ 55, 133.

### **2-5-2. Legislative finance committee staff.**

The position of "director of the legislative finance committee" is created. The director shall be hired by the legislative finance committee, and shall serve at the pleasure of the legislative finance committee. The director shall be provided with the necessary office space, supplies, equipment and assistants by the legislative finance committee. His salary shall be set by the legislative finance committee.

**History:** 1953 Comp., § 2-5-2, enacted by Laws 1957, ch. 3, § 2; 1965, ch. 160, § 1.

## ANNOTATIONS

**This section is not continuing appropriation;** a further, specific appropriation is necessary to authorize payment of public funds to pay for staff and other necessary support for interim activities of the legislature as allowed by N.M. Const., art. IV, § 30. 1985 Op. Att'y Gen. No. 85-02.

### **2-5-3. Legislative finance committee; duties.**

The committee shall:

A. direct the director of the legislative finance committee in his work;

B. examine the laws governing the finances and operation of departments, agencies and institutions of New Mexico and all of its political subdivisions, the effect of laws on the proper functioning of these governmental units, the policies and costs of governmental units as related to the laws;

C. recommend changes in these laws if any are deemed desirable, and draft and present to the legislature any legislation necessary;

D. make a full report of its findings and recommendations for the consideration of each successive legislature following its original establishment, the report and suggested legislation to be available to each member of the legislature on or before the first day of the regular session thereof.

**History:** 1953 Comp., § 2-5-3, enacted by Laws 1957, ch. 3, § 3; 1963, ch. 241, § 1; 1965, ch. 160, § 2.

### **ANNOTATIONS**

**Section authorizes the examination of the effect of laws governing finances and operation** upon the proper functioning of governmental units and the policies and costs of governmental units as related to such laws, for the purpose of determining the need for any new laws concerning the finances and operation of the governmental units and for the repeal of old laws. 1957 Op. Att'y Gen. No. 57-118.

**Section authorizes inquiry into policies and costs of a governmental unit** as these are related to the operation and financial laws governing such a unit. 1957 Op. Att'y Gen. No. 57-118.

**Inquiry as to the effectiveness of the operating policies of a governmental unit** and the relationship of such policies on the costs of the governmental unit would be pertinent. 1957 Op. Att'y Gen. No. 57-118.

**Examination of the books, records and operating policies is authorized,** since to determine cost, specific inquiry would have to be made into items of costs as well as

operating policies behind the expending of public money. 1957 Op. Att'y Gen. No. 57-118.

#### **2-5-4. Legislative finance committee; additional duties.**

A. The legislative finance committee, in addition to all other duties prescribed by law, shall annually review budgets and appropriations requests, and the operation and management of selected state agencies, departments and institutions and shall make recommendations with respect thereto to the legislature.

B. To carry out the purposes of this section, the legislative finance committee shall establish a budget analysis division staffed with persons knowledgeable and proficient in budget analysis and budget preparation.

C. Each state agency, department and institution shall furnish to the legislative finance committee a copy of its appropriation request made to the department of finance and administration at the same time such request is made to such department. Each state agency, department or institution shall also furnish to the legislative finance committee and its staff any other supporting information or data deemed necessary to carry out the purposes of this section.

D. The legislative finance committee, or, when it deems necessary, its staff may hold such hearings and require such testimony from officers and employees of each state agency, department or institution as is necessary to carry out the purposes of this section.

E. Not later than the first week of any regular legislative session, the legislative finance committee shall furnish a document containing its budget recommendations to each member of the senate finance committee, the house appropriations and finance committee and to those other members of the legislature which may request it. A copy shall also be furnished to the governor and to the department of finance and administration.

**History:** 1953 Comp., § 2-5-3.1, enacted by Laws 1967, ch. 267, § 1.

#### **ANNOTATIONS**

**Section authorizes the examination of the effect of laws governing finances and operation** upon the proper functioning of governmental units and the policies and costs of governmental units as related to such laws, for the purpose of determining the need for any new laws concerning the finances and operation of the governmental units and for the repeal of old laws. 1957 Op. Att'y Gen. No. 57-118.

**Section authorizes inquiry into policies and costs of a governmental unit** as these are related to the operation and financial laws governing such a unit. 1957 Op. Att'y Gen. No. 57-118.

**Inquiry as to the effectiveness of the operating policies of a governmental unit** and the relationship of such policies on the costs of the governmental unit would be pertinent. 1957 Op. Att'y Gen. No. 57-118.

**Examination of the books, records and operating policies is authorized**, since to determine cost, specific inquiry would have to be made into items of costs as well as operating policies behind the expending of public money. 1957 Op. Att'y Gen. No. 57-118.

#### **2-5-4.1. Legislative systems; coordination with other agencies; fiscal impact information; dynamic forecasting pilot project.**

A. The legislative finance committee shall cooperate with the office of the governor, the department of finance and administration and the taxation and revenue department in designing a timely and accurate system of providing fiscal impact and other pertinent information to the legislature concerning pending legislation.

B. Beginning January 1, 2004, a two-year dynamic forecasting pilot project shall be conducted by the legislative finance committee, the department of finance and administration, the taxation and revenue department and the state highway and transportation department in which fiscal impact information provided to the legislature concerning legislation that proposes one or more changes to laws on taxation shall be prepared on the basis of assumptions that estimate the probable behavioral response of taxpayers, businesses and other persons to the proposed changes. This requirement applies only to legislation:

(1) introduced during the second session of the forty-sixth legislature and the first session of the forty-seventh legislature; and

(2) determined by the legislative finance committee, pursuant to a static fiscal estimate, to have a fiscal impact when fully implemented in excess of ten million dollars (\$10,000,000) in a fiscal year.

C. The legislative finance committee shall cooperate with the department of finance and administration and other necessary executive agencies to develop the methodology to implement the dynamic forecasting pilot project pursuant to the requirements of Subsection B of this section.

D. Following the first session of the forty-seventh legislature, the legislative finance committee shall evaluate the success of the dynamic forecasting pilot project required by Subsection B of this section and determine if dynamic forecasting should become a permanent feature of fiscal impact analyses. In making this determination, the legislative finance committee shall consider if this process:

(1) provides a reliable and reasonably accurate analytic tool to aid legislators in determining the effect of proposed legislation;

- (2) can be accomplished with a reasonable amount of resources; and
- (3) can be incorporated into fiscal impact estimates in a form that is easily understood and usable.

**History:** 1978 Comp., § 2-5-4.1, enacted by Laws 1979, ch. 229, § 1; 2003, ch. 73, § 1.

### ANNOTATIONS

**Cross references.** — For the Department of Finance and Administration Act, see 9-6-1 NMSA 1978 et seq.

For the Taxation and Revenue Department Act, see 9-11-1 NMSA 1978 et seq.

**The 2003 amendment**, effective June 20, 2003, inserted "fiscal impact information; dynamic forecasting pilot project" at the end of the section heading; and designated the former first paragraph as present Subsection A and inserted Subsections B, C and D.

### **2-5-5. Legislative finance committee; powers.**

The committee shall have the power to conduct hearings and to administer oaths. The committee or any subcommittee thereof consisting of three members or more shall have the power to subpoena, which may be enforced through any district court of the state. Process of such committee shall be served by any sheriff or any member of the New Mexico state police, and shall be served without cost to the committee.

**History:** 1953 Comp., § 2-5-4, enacted by Laws 1957, ch. 3, § 4.

### ANNOTATIONS

**Cross references.** — For district court procedure of serving and enforcing subpoena, see Rule 1-045 NMRA.

**Financing lawsuits.** — The legislative finance committee has no express authority to sue or be sued, or to finance litigation that others, including individual legislators, initiate to challenge line-item vetoes. 1988 Op. Att'y Gen. No. 88-61.

### **2-5-6. Repealed.**

### ANNOTATIONS

**Repeals.** — Laws 1981, ch. 64, § 1, repealed 2-5-6 NMSA 1978, relating to the expenses of the legislative finance committee, effective March 21, 1981.

### **2-5-7. Cooperation.**

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 as may be requested by the members of the committee or its director or staff which are not made confidential by law.

**History:** 1953 Comp., § 2-5-6, enacted by Laws 1957, ch. 3, § 6; 1965, ch. 160, § 3.

## ANNOTATIONS

**Cross references.** — For availability to legislative finance committee of information in files of legislative council, and vice versa, see 2-3-18 NMSA 1978.

For confidentiality of certain public records, see 14-2-1 NMSA 1978.

**Examination authorized.** — Records of the income tax division of the bureau of revenue (now the revenue division of the taxation and revenue department) may be examined by the legislative finance committee and its staff for the purpose of making statistical reports concerning revenue from franchise taxes and for the purpose of recommending legislation to improve administration of the law involved. 1957 Op. Att'y Gen. No. 57-162.

**Legislature intended all governmental units to cooperate with the legislative finance committee** in order that the committee might properly carry out its intended functions, since, if such cooperation is not forthcoming, the committee is given the power to enforce such cooperation by use of the subpoena. 1957 Op. Att'y Gen. No. 57-118.

## ARTICLE 6

### Introduction of Bills

#### 2-6-1. Limit on the time within which bills may be introduced.

A. Legislation shall not be accepted for filing until after the beginning of the prohibited period for soliciting campaign contributions provided for in Section 1-19-34.1 NMSA 1978.

B. No bill shall be introduced at any regular session of the legislature subsequent to the thirtieth legislative day in sessions held in the odd-numbered years or subsequent to the fifteenth legislative day in sessions held in the even-numbered years. The limitation provided in this subsection 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.

**History:** 1953 Comp., § 2-6-1, enacted by Laws 1961, ch. 2, § 1; 1971, ch. 174, § 1; 1978, ch. 155, § 1; 2019, ch. 86, § 35.

## ANNOTATIONS

**Cross references.** — For legislative sessions, see 2-9-1 NMSA 1978.

For time limit on introduction of bills, see N.M. Const., art. IV, § 19.

**The 2019 amendment**, effective July 1, 2020, provided that legislation shall not be accepted for filing until after the beginning of the prohibited period for soliciting campaign contributions; and added a new Subsection A and redesignated the formerly undesignated paragraph as Subsection B.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 73 Am. Jur. 2d Statutes § 23.

82 C.J.S. Statutes § 22.

## ARTICLE 7 Apportionment of House of Representatives (Repealed.)

**2-7-1 to 2-7-88. Repealed.**

## ANNOTATIONS

**Repeals.** — Laws 1982 (2nd S.S.), ch. 1, § 80, effective January 16, 1982, and Laws 1982 (3rd S.S.), ch. 4, § 79, effective June 21, 1982, both repealed 2-7-1 to 2-7-88 NMSA 1978, relating to the apportionment of the house of representatives.

Laws 1982 (3rd S.S.), ch. 4, § 79, purportedly also repealed Laws 1982 (1st S.S.), ch. 1, in the event that the United States supreme court does not affirm its constitutionality. There was no first special session in 1982, but there was a second special session, ch. 1 of which enacted 2-7A-1 to 2-7A-79 NMSA 1978 and repealed 2-7-1 to 2-7-88 NMSA 1978. Article 7A of Chapter 2 NMSA 1978 was held unconstitutional in 1982.

## ARTICLE 7A Apportionment of House of Representatives (Repealed.)

**2-7A-1 to 2-7A-79. Repealed.**

## ANNOTATIONS

**Repeals.** — Laws 1982 (3rd S.S.), ch. 4, § 79, effective June 21, 1982, purportedly repealed Laws 1982 (1st S.S.), ch. 1, in the event that the United States supreme court does not affirm its constitutionality. There was no first special session in 1982, but there was a second special session, ch. 1 of which enacted 2-7A-1 to 2-7A-79 NMSA 1978, relating to the apportionment of the house of representatives. Article 7A of Chapter 2 NMSA 1978 was held unconstitutional in 1982.

## **ARTICLE 7B**

### **Apportionment of House of Representatives (Repealed.)**

**2-7B-1 to 2-7B-78. Repealed.**

#### **ANNOTATIONS**

**Repeals.** — Laws 1991 (1st S.S.), ch. 2, § 80 repealed 2-7B-1 to 2-7B-78 NMSA 1978, as enacted by Laws 1982 (3rd S.S.), ch. 4, §§ 1 to 78, relating to the 1982 House Reapportionment Act, effective December 18, 1991. For provisions of former sections, see the 1990 NMSA 1978 on *NMOneSource.com*.

## **ARTICLE 7C**

### **1991 House Redistricting Act (Repealed.)**

**2-7C-1, 2-7C-2. Repealed.**

#### **ANNOTATIONS**

**Repeals.** — Laws 2021 (2nd S.S.), ch. 6, § 79 repealed 2-7C-1 and 2-7C-2 NMSA 1978, effective March 17, 2022.

Sections 2-7C-1 to 2-7C-78 NMSA 1978, as enacted by Laws 1991 (1st S.S.), Chapter 2, were held to be malapportioned and, therefore, unconstitutional in *Jepson v. Vigil-Giron*, D-0101-CV-2001-02177 (1st Dist. Ct., filed January 24, 2002).

Sections 2-7C-3 to 2-7C-6 NMSA 1978 were set out in full because they did not directly relate to the issue of district boundaries and were probably not meant to be affected by the court order.

**2-7C-3. Repealed.**

**History:** Laws 1991 (1st S.S.), ch. 2, § 3; repealed by Laws 2021 (2nd S.S.), ch. 6, § 79.

## ANNOTATIONS

**Repeals.** — Laws 2021 (2nd S.S.), ch. 6, § 79 repealed 2-7C-3 NMSA 1978, as enacted by Laws 1991 (1st S.S.), ch. 2, § 3, relating to membership, effective March 17, 2022. For provisions of former section, see the 2021 NMSA 1978 on *NMOneSource.com*.

### **2-7C-4. Repealed.**

**History:** Laws 1991 (1st S.S.), ch. 2, § 4; repealed by Laws 2021 (2nd S.S.), ch. 6, § 79.

## ANNOTATIONS

**Repeals.** — Laws 2021 (2nd S.S.), ch. 6, § 79 repealed 2-7C-4 NMSA 1978, as enacted by Laws 1991 (1st S.S.), ch. 2, § 4, relating to residence, effective March 17, 2022. For provisions of former section, see the 2021 NMSA 1978 on *NMOneSource.com*.

### **2-7C-5. Repealed.**

**History:** Laws 1991 (1st S.S.), ch. 2, § 5; repealed by Laws 2021 (2nd S.S.), ch. 6, § 79.

## ANNOTATIONS

**Repeals.** — Laws 2021 (2nd S.S.), ch. 6, § 79 repealed 2-7C-5 NMSA 1978, as enacted by Laws 1991 (1st S.S.), ch. 2, § 5, relating to elections, vacancies, effective March 17, 2022. For provisions of former section, see the 2021 NMSA 1978 on *NMOneSource.com*.

### **2-7C-6. Repealed.**

**History:** Laws 1991 (1st S.S.), ch. 2, § 6; repealed by Laws 2021 (2nd S.S.), ch. 6, § 79.

## ANNOTATIONS

**Repeals.** — Laws 2021 (2nd S.S.), ch. 6, § 79 repealed 2-7C-6 NMSA 1978, as enacted by Laws 1991 (1st S.S.), ch. 2, § 6, relating to precincts, effective March 17, 2022. For provisions of former section, see the 2021 NMSA 1978 on *NMOneSource.com*.

### **2-7C-7 to 2-7C-78. Repealed.**

## ANNOTATIONS

**Repeals.** — Laws 2021 (2nd S.S.), ch. 6, § 79 repealed 2-7C-7 to 2-7C-78 NMSA 1978, effective March 17, 2022.

Sections 2-7C-1 to 2-7C-78 NMSA 1978, as enacted by Laws 1991 (1st S.S.), Chapter 2, were held to be malapportioned and, therefore, unconstitutional in *Jepson v. Vigil-Giron*, D-0101-CV-2001-02177 (1st Dist. Ct., filed January 24, 2002).

## ARTICLE 7D

### State House of Representatives Redistricting Plan (Unconstitutional.)

#### 2-7D-1. Unconstitutional.

## ANNOTATIONS

**Compiler's notes.** — The New Mexico House of Representatives districts adopted in *Jepson v. Vigil-Giron*, D-0101-CV-2001-02177 (N.M. 1st Jud. Dist. January 24, 2002) and set forth in Section 2-7D-1 NMSA 1978, were held to be malapportioned and therefore unconstitutional in *Egolf v. Duran*, D-101-CV-2011-02942 (1st Jud. Dist. February 28, 2012). The redistricting plan embodied in Section 2-7E-1 NMSA 1978 was adopted by that court.

## ARTICLE 7E

### State House of Representatives Redistricting Plan

#### 2-7E-1. Deleted.

## ANNOTATIONS

**Compiler's notes.** — Laws 2021 (2nd S.S.), ch. 6, § 78 directed the compiler to remove the provisions of 2-7E-1 from the NMSA 1978, effective March 17, 2022. For provisions of former section, see the 2021 NMSA 1978 on *NMOneSource.com*.

## ARTICLE 7F

### 2021 House Redistricting

#### 2-7F-1. Short title.

This act [2-7F-1 to 2-7F-77 NMSA 1978] may be cited as the "2021 House Redistricting Act".

**History:** Laws 2021 (2nd S.S.), ch. 6, § 1.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

**Legislature must construct voting districts based on actual population.** — The state legislature must employ a good-faith effort to construct legislative voting districts on the basis of actual population. *Sanchez v. King*, 550 F. Supp. 13 (D.N.M.), aff'd, 459 U.S. 801, 103 S. Ct. 32, 74 L. Ed. 2d 46 (1982).

### **2-7F-2. Membership.**

The house of representatives is composed of seventy members to be elected from districts that are contiguous and that are as compact as is practicable.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 2.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-3. Residence.**

At the time of filing a declaration of candidacy for the office of representative, a candidate shall reside in the district for which the candidate files. Thereafter, if a representative permanently removes the representative's residence from or maintains no residence in the district from which the representative was elected, the representative shall be deemed to have resigned, and a successor shall be selected as provided in Section 4 [2-7F-4 NMSA 1978] of the 2021 House Redistricting Act.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 3.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-4. Elections; vacancies.**

A. Members of the house of representatives shall be elected for terms of two years.

B. If a vacancy occurs in the office of representative for any reason, the vacancy shall be filled as follows:

(1) for a representative district that is situated wholly within the exterior boundaries of a single county, the board of county commissioners of that county shall appoint the representative to fill the vacancy; and

(2) for a representative district situated within two or more counties:

(a) the board of county commissioners of each county in the representative district shall submit one name to the governor; and

(b) the governor shall appoint the representative to fill the vacancy from the list of names so submitted.

C. An appointment to fill a vacancy in the house of representatives shall be for a term ending on December 31 after the next general election.

D. An appointment to fill a vacancy made before the general election of 2022 shall be made from the district as it was described in Section 2-7E-1 NMSA 1978, as established by the court in *Egolf v. Duran*, D-101-CV-2011-02942 (1st Dist. Ct., Judgment and Final Order on Remand (State House of Representatives Trial) filed February 28, 2012). On or after the general election of 2022, a vacancy shall be filled by appointment from the district as set out in the 2021 House Redistricting Act.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 4.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-5. Precincts.**

A. Precinct designations and boundaries used in the 2021 House Redistricting Act are those precinct designations and boundaries established pursuant to the Precinct Boundary Adjustment Act [1-3-10 to 1-3-14 NMSA 1978] and revised and approved pursuant to that act by the secretary of state as of November 30, 2021.

B. A board of county commissioners shall not create any precinct that lies in more than one representative district and shall not divide any precinct so that the divided parts of the precinct are situated in two or more representative districts. Votes cast in any general, primary or other statewide election from precincts created or divided in violation of this subsection are invalid and shall not be counted or canvassed.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 5.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

**Legislature must construct voting districts based on actual population.** — The state legislature must employ a good-faith effort to construct legislative voting districts on the basis of actual population. *Sanchez v. King*, 550 F. Supp. 13 (D.N.M.), aff'd, 459 U.S. 801, 103 S. Ct. 32, 74 L. Ed. 2d 46 (1982).

#### **2-7F-6. Districts.**

The districts of the house of representatives shall be as set out in Sections 7 [2-7F-7 NMSA 1978] through 76 [2-7F-76 NMSA 1978] of the 2021 House Redistricting Act.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 6.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-7. Representative district one.**

Representative district one is composed of San Juan county precincts 31, 39 through 49, 57 through 59, 67, 90, 99, 103, 104 and 106 through 108.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 7.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-8. Representative district two.**

Representative district two is composed of San Juan county precincts 19, 20, 23 through 25, 28 through 30, 32, 33, 35 through 38, 51 through 54, 56, 82, 100 through 102 and 105.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 8.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-9. Representative district three.**

Representative district three is composed of San Juan county precincts 55, 60 through 66 and 68 through 81.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 9.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-10. Representative district four.**

Representative district four is composed of San Juan county precincts 1 through 7, 17, 18, 21, 22, 26, 27, 34, 50, 109, 110, 120, 121, 130 through 132 and 134.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 10.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-11. Representative district five.**

Representative district five is composed of McKinley county precincts 5 through 10, 19, 23, 36, 43, 46 through 49, 55, 56, 60, 61, 63, 67, 68 and 70; and San Juan county precincts 8 through 13 and 133.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 11.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-12. Representative district six.**

Representative district six is composed of Cibola county precincts 1, 4 through 8, 12 through 15, 26, 28 and 30; and McKinley county precincts 13, 15, 17, 22, 25 through 30, 51 through 53, 64 through 66 and 71.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 12.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-13. Representative district seven.**

Representative district seven is composed of Valencia county precincts 2, 6, 8, 15, 16, 21 through 26, 28, 32, 36, 45, 49 through 51, 53, 56 through 58, 60 and 62.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 13.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-14. Representative district eight.**

Representative district eight is composed of Valencia county precincts 3 through 5, 7, 9 through 12, 14, 17 through 19, 37, 40 through 44, 52, 54, 55, 59, 61 and 63 through 66.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 14.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-15. Representative district nine.**

Representative district nine is composed of McKinley county precincts 1 through 4, 18, 20, 21, 24, 31 through 35, 37 through 42, 44, 45, 50, 54, 57 through 59 and 69.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 15.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-16. Representative district ten.**

Representative district ten is composed of Bernalillo county precincts 73, 75, 76, 90 through 92, 94 through 99, 103, 105 through 107, 144, 213, 250, 258, 260, 262, 266, 270, 278, 288, 629 and 630.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 16.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-17. Representative district eleven.**

Representative district eleven is composed of Bernalillo county precincts 125, 131, 150 through 155, 161 through 166, 181, 183 through 188, 195 through 197, 211, 212, 221, 276, 279, 345, 346, 613, 640 and 646.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 17.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-18. Representative district twelve.**

Representative district twelve is composed of Bernalillo county precincts 43 through 45, 49, 65 through 67, 71, 72, 74, 77, 109, 139, 142, 143, 147, 239, 240, 269, 340, 604 and 654.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 18.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-19. Representative district thirteen.**

Representative district thirteen is composed of Bernalillo county precincts 52 through 54, 59, 60, 130, 138, 140, 141, 145, 146, 148, 237, 247, 267, 268, 367, 600, 620, 638 and 655.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 19.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-20. Representative district fourteen.**

Representative district fourteen is composed of Bernalillo county precincts 32, 33, 46 through 48, 50, 51, 61 through 64, 104, 121 through 124, 132, 133, 135, 149, 190, 198, 224 through 226, 234, 236, 619 and 634.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 20.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-21. Representative district fifteen.**

Representative district fifteen is composed of Bernalillo county precincts 4, 5, 7 through 9, 11 through 18, 108, 126, 180, 182, 191 through 194, 218, 219, 257, 259, 277, 369, 375, 438, 455, 581, 651, 661 and 668.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 21.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-22. Representative district sixteen.**

Representative district sixteen is composed of Bernalillo county precincts 21 through 23, 25 through 28, 30, 36 through 40, 119, 156, 167 through 169, 178, 189, 199, 209, 210, 263, 607, 614 through 616, 618 and 633.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 22.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-23. Representative district seventeen.**

Representative district seventeen is composed of Bernalillo county precincts 2, 3, 69, 78, 79, 82 through 84, 89, 100, 114, 116, 171 through 174, 179, 200, 202, 203, 222, 232, 248, 249, 605, 610, 624, 627, 642, 645, 647 and 686.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 23.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-24. Representative district eighteen.**

Representative district eighteen is composed of Bernalillo county precincts 101, 102, 214 through 216, 223, 235, 241 through 246, 251 through 256, 273, 274, 338, 341 through 344, 351 through 353, 355 through 358, 381 and 382.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 24.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-25. Representative district nineteen.**

Representative district nineteen is composed of Bernalillo county precincts 271, 272, 275, 280 through 287, 311, 312, 318, 321 through 323, 326, 327, 336, 378, 379, 383, 384 and 591.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 25.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-26. Representative district twenty.**

Representative district twenty is composed of Bernalillo county precincts 289, 290, 294, 296, 298, 299, 301 through 307, 309, 319, 324, 325, 330 through 334, 348 through 350, 393, 549, 550 and 657 through 660.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 26.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-27. Representative district twenty-one.**

Representative district twenty-one is composed of Bernalillo county precincts 291 through 293, 295, 297, 300, 310, 316, 320, 328, 329, 335, 337, 363, 475, 477, 478, 534, 542 through 544, 656 and 671.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 27.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-28. Representative district twenty-two.**

Representative district twenty-two is composed of Bernalillo county precincts 551 through 559, 566, 570 through 580, 582, 595 through 597 and 603; and Torrance county precincts 1 through 5, 7 through 10, 14 through 17, 20 and 21.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 28.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-29. Representative district twenty-three.**

Representative district twenty-three is composed of Sandoval county precincts 37, 39, 41, 48, 49, 58, 60 through 62, 64, 65, 73, 74, 81 through 83, 100, 101, 103, 104, 106, 111, 115 through 117, 130 through 132, 142, 151 and 155.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 29.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-30. Representative district twenty-four.**

Representative district twenty-four is composed of Bernalillo county precincts 413 through 417, 461 through 466, 471 through 474, 476, 491 through 495, 497, 502 through 509, 514 through 516, 528, 531, 533, 663 and 670.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 30.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-31. Representative district twenty-five.**

Representative district twenty-five is composed of Bernalillo county precincts 313 through 315, 317, 347, 354, 371 through 374, 377, 385 through 387, 400 through 405, 411, 412, 431 through 437 and 441 through 446.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 31.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-32. Representative district twenty-six.**

Representative district twenty-six is composed of Bernalillo county precincts 34, 35, 41, 42, 55, 56, 58, 70, 88, 120, 134, 136, 137, 157, 158, 233, 265, 394, 399, 599, 621, 653 and 687.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 32.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-33. Representative district twenty-seven.**

Representative district twenty-seven is composed of Bernalillo county precincts 360, 366, 376, 380, 398, 410, 418, 426, 427, 449 through 453, 456, 459, 460, 467, 468, 479, 482, 483, 485 through 487, 510, 538, 562, 563, 568, 584, 593, 601, 664, 669, 674, 679 and 685.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 33.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-34. Representative district twenty-eight.**

Representative district twenty-eight is composed of Bernalillo county precincts 308, 364, 365, 389, 390, 395 through 397, 428, 430, 454, 480, 517 through 522, 524 through 527, 530, 532, 535, 536, 540, 545 through 548, 561, 564, 565, 672, 676, 678 and 680.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 34.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-35. Representative district twenty-nine.**

Representative district twenty-nine is composed of Bernalillo county precincts 20, 24, 29, 57, 81, 110 through 113, 115, 118, 159, 160, 204 through 208, 227, 228, 609, 611, 612, 617, 622, 626, 632, 639, 648 through 650 and 652.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 35.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-36. Representative district thirty.**

Representative district thirty is composed of Bernalillo county precincts 339, 359, 368, 370, 388, 406 through 409, 419 through 421, 439, 440, 481, 484, 488 through 490, 496, 498 through 500, 511 through 513, 523, 529, 583, 662, 666, 673, 675 and 677.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 36.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-37. Representative district thirty-one.**

Representative district thirty-one is composed of Bernalillo county precincts 361, 362, 391, 392, 422 through 425, 429, 447, 448, 457, 458, 469, 470, 501, 537, 539, 541, 560, 567, 569, 585 through 590, 592, 594, 598, 602, 608, 665, 667 and 681 through 684.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 37.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-38. Representative district thirty-two.**

Representative district thirty-two is composed of Dona Ana county precincts 3 and 60; Hidalgo county precincts 1 through 3, 5 and 6; and Luna county.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 38.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-39. Representative district thirty-three.**

Representative district thirty-three is composed of Dona Ana county precincts 18, 19, 40, 45 through 53, 55 through 58, 78, 98, 101, 108, 146, 148, 150, 151, 186 and 187.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 39.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-40. Representative district thirty-four.**

Representative district thirty-four is composed of Dona Ana county precincts 13 through 17, 81, 82, 96, 97, 162 through 170, 188 and 189.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 40.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-41. Representative district thirty-five.**

Representative district thirty-five is composed of Dona Ana county precincts 20, 24, 26 through 30, 32, 35 through 37, 39, 41 through 44, 83, 84, 86, 89, 92, 99, 109, 126, 127, 135, 136, 177 and 179.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 41.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-42. Representative district thirty-six.**

Representative district thirty-six is composed of Dona Ana county precincts 4, 21 through 23, 25, 31, 38, 85, 87, 88, 90, 100, 105, 107, 115, 121 through 124, 131, 145, 147, 171, 172, 174 and 182 through 185.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 42.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-43. Representative district thirty-seven.**

Representative district thirty-seven is composed of Dona Ana county precincts 33, 34, 59, 61, 62, 67 through 70, 91, 93, 94, 102, 103, 125, 128 through 130, 137 through 139, 141, 143, 144, 175, 180 and 190.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 43.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-44. Representative district thirty-eight.**

Representative district thirty-eight is composed of Dona Ana county precincts 1, 2, 5, 63 through 65, 95, 111, 117 through 119, 134 and 173; Sierra county precincts 2, 6 through 8 and 10; and Socorro county precincts 1 through 8, 10, 11, 17 and 18.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 44.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-45. Representative district thirty-nine.**

Representative district thirty-nine is composed of Catron county precinct 3; Grant county; and Hidalgo county precinct 4.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 45.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-46. Representative district forty.**

Representative district forty is composed of Colfax county precincts 1 through 5, 7 through 9, 11 through 16, 19 and 20; Mora county; Rio Arriba county precincts 45 through 47, 49, 56 through 59 and 68 through 74; San Miguel county precincts 9, 10 and 12; and Taos county precincts 30 and 31.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 46.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-47. Representative district forty-one.**

Representative district forty-one is composed of Rio Arriba county precincts 4, 5, 10 through 14, 22 through 28, 35 through 40, 48 and 60 through 67; Sandoval county precincts 21 through 23; Santa Fe county precinct 58; and Taos county precincts 1, 9, 22 and 37.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 47.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-48. Representative district forty-two.**

Representative district forty-two is composed of Taos county precincts 2 through 8, 10 through 21, 23 through 29, 32 through 36 and 38 through 47.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 48.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-49. Representative district forty-three.**

Representative district forty-three is composed of Los Alamos county; Sandoval county precincts 7, 16 through 18, 51, 78 and 79; and Santa Fe county precincts 12, 80, 93, 145 and 154.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 49.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-50. Representative district forty-four.**

Representative district forty-four is composed of Bernalillo county precincts 6, 10, 86, 220 and 238; and Sandoval county precincts 11 through 13, 31 through 36, 38, 52 through 54, 57, 59, 92 through 94, 96 through 99, 102, 112, 113, 119, 136, 140, 141, 153 and 154.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 50.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-51. Representative district forty-five.**

Representative district forty-five is composed of Santa Fe county precincts 29, 50, 51, 56, 62, 64, 75 through 78, 86, 89, 96, 105, 106, 116, 117, 124, 133, 140 through 144, 149, 151, 170, 173, 176 and 179.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 51.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-52. Representative district forty-six.**

Representative district forty-six is composed of Santa Fe county precincts 1 through 8, 11, 20, 22 through 27, 33, 40, 59 through 61, 79, 82, 87, 90, 92, 118, 119, 121, 122, 128, 130, 146, 152, 153, 155, 159, 160 and 177.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 52.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-53. Representative district forty-seven.**

Representative district forty-seven is composed of Santa Fe county precincts 9, 10, 13, 21, 28, 30, 36, 37, 45 through 48, 54, 55, 57, 68, 70, 81, 83, 91, 94, 95, 100, 103, 104, 111, 112, 120, 123, 127, 129, 131, 132, 147, 158, 161, 163, 166, 167, 169, 171, 172 and 175.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 53.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-54. Representative district forty-eight.**

Representative district forty-eight is composed of Santa Fe county precincts 31, 32, 34, 35, 38, 39, 41 through 44, 49, 52, 53, 66, 67, 74, 97 through 99, 101, 102, 108, 109, 135 through 138, 162, 164, 174 and 178.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 54.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-55. Representative district forty-nine.**

Representative district forty-nine is composed of Catron county precincts 1, 2 and 4 through 9; Sierra county precincts 1, 3 through 5, 9, 11 and 12; Socorro county precincts 9, 12 through 14, 16 and 19 through 27; and Valencia county precincts 20, 27, 29 through 31, 33 through 35, 38, 39 and 46 through 48.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 55.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-56. Representative district fifty.**

Representative district fifty is composed of Sandoval county precincts 5, 28, 55, 56, 76, 89, 90, 114 and 133; and Santa Fe county precincts 14 through 19, 63, 65, 69, 71 through 73, 84, 85, 88, 107, 110, 113 through 115, 125, 126, 134, 139, 148, 150, 156, 157, 165 and 168.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 56.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-57. Representative district fifty-one.**

Representative district fifty-one is composed of Otero county precincts 18 through 34, 36, 37, 39, 40, 47 through 52, 61, 62, 64 and 65.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 57.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-58. Representative district fifty-two.**

Representative district fifty-two is composed of Dona Ana county precincts 7 through 12, 54, 71 through 73, 77, 79, 80, 104, 110, 114, 120, 149 and 152 through 160.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 58.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-59. Representative district fifty-three.**

Representative district fifty-three is composed of Dona Ana county precincts 6, 66, 74 through 76, 106, 112, 113, 116, 132, 133, 140, 142, 161, 176, 178 and 181; and Otero county precincts 1, 41 through 46 and 66.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 59.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-60. Representative district fifty-four.**

Representative district fifty-four is composed of Chaves county precinct 104; Eddy county precincts 2 through 8, 22, 29 through 31, 40, 41, 43 and 53; and Otero county precincts 2 through 4, 13 through 17, 35, 53 through 55, 59, 60 and 63.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 60.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-61. Representative district fifty-five.**

Representative district fifty-five is composed of Eddy county precincts 9, 12, 17 through 21, 25 through 28, 32, 33, 36, 37, 45, 47 through 50, 52 and 54; and Lea county precincts 71 through 74.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 61.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-62. Representative district fifty-six.**

Representative district fifty-six is composed of Lincoln county; and Otero county precincts 5 through 12, 38 and 56 through 58.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 62.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-63. Representative district fifty-seven.**

Representative district fifty-seven is composed of Sandoval county precincts 50, 63, 66 through 69, 71, 75, 80, 84, 118, 120 through 127, 135, 137, 143 through 146, 149, 150, 152 and 156.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 63.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-64. Representative district fifty-eight.**

Representative district fifty-eight is composed of Chaves county precincts 24, 25, 32 through 34, 42, 43, 51, 52, 61 through 64, 71 through 74, 81, 90 through 92, 94, 95, 101 through 103, 105 and 106.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 64.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-65. Representative district fifty-nine.**

Representative district fifty-nine is composed of Chaves county precincts 2 through 9, 11 through 18, 20 through 23, 31, 35, 36, 82 through 85 and 93.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 65.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-66. Representative district sixty.**

Representative district sixty is composed of Sandoval county precincts 30, 40, 42 through 47, 70, 72, 85, 86, 105, 107 through 110, 128, 129, 134, 138, 139, 147, 148 and 157.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 66.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-67. Representative district sixty-one.**

Representative district sixty-one is composed of Lea county precincts 9, 11, 12, 14 through 17, 31, 34 through 36, 44, 50 through 55, 58, 59, 61 and 62.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 67.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-68. Representative district sixty-two.**

Representative district sixty-two is composed of Lea county precincts 19 through 30, 32, 33, 37 through 43, 56 and 57.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 68.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-69. Representative district sixty-three.**

Representative district sixty-three is composed of Curry county precincts 4 through 9, 20, 22, 25 through 30, 36 and 41; De Baca county; Guadalupe county; Roosevelt county precincts 1, 6 through 8 and 17; and San Miguel county precinct 17.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 69.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-7F-70. Representative district sixty-four.**

Representative district sixty-four is composed of Chaves county precincts 1, 10, 44 and 46; Curry county precincts 2, 17 through 19, 23, 24, 33, 35, 37 through 39 and 42; and Roosevelt county precincts 2 through 5, 9 through 16 and 18 through 21.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 70.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-71. Representative district sixty-five.**

Representative district sixty-five is composed of Rio Arriba county precincts 1 through 3 and 21; Sandoval county precincts 1 through 4, 6, 8 through 10, 14, 15, 19, 20, 24 through 27, 29, 77, 87, 88, 91 and 95; and San Juan county precincts 15, 16 and 83.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 71.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-72. Representative district sixty-six.**

Representative district sixty-six is composed of Chaves county precincts 40, 41, 45 and 47; Eddy county precincts 1, 10, 11, 13 through 16, 23, 24, 34, 35, 38, 39, 42, 44, 46 and 51; and Lea county precincts 2, 3, 8, 10, 13 and 18.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 72.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-73. Representative district sixty-seven.**

Representative district sixty-seven is composed of Colfax county precincts 10, 17, 18, 21 and 22; Curry county precincts 1, 3, 10 through 16, 21, 31, 32, 34, 40 and 43; Harding county; Quay county; San Miguel county precinct 15; and Union county.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 73.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-7F-74. Representative district sixty-eight.**

Representative district sixty-eight is composed of Bernalillo county precincts 1, 19, 68, 80, 85, 87, 117, 127 through 129, 170, 175 through 177, 201, 217, 229 through 231, 261, 264, 606, 623, 625, 628, 631, 635 through 637, 641, 643 and 644.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 74.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-75. Representative district sixty-nine.**

Representative district sixty-nine is composed of Bernalillo county precincts 31 and 93; Cibola county precincts 2, 3, 9 through 11, 16 through 25, 27 and 29; McKinley county precincts 11, 12, 14, 16 and 62; San Juan county precinct 14; Socorro county precinct 15; and Valencia county precincts 1 and 13.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 75.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-76. Representative district seventy.**

Representative district seventy is composed of San Miguel county precincts 1 through 8, 11, 13, 14, 16 and 18 through 34; and Torrance county precincts 6, 11 through 13, 18, 19 and 22.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 76.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-7F-77. Election of representatives.**

Representatives shall be elected from the districts described in the 2021 House Redistricting Act at the 2022 and subsequent general elections.

**History:** Laws 2021 (2nd S.S.), ch. 6, § 77.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 6 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **ARTICLE 8**

### **Apportionment of Senate (Repealed.)**

**2-8-1 to 2-8-53. Repealed.**

#### **ANNOTATIONS**

**Repeals.** — Laws 1982 (2nd S.S.), ch. 2, § 53, effective January 19, 1982, and Laws 1982 (3rd S.S.), ch. 1, § 52, effective June 23, 1982, both repealed 2-8-1 to 2-8-53 NMSA 1978, relating to the apportionment of the senate. For present provisions, see Chapter 2, Article 8D NMSA 1978.

Laws 1982 (3rd S.S.), ch. 1, § 52, purportedly also repealed Laws 1982 (1st S.S.), ch. 2, effective June 23, 1982. There was no first special session in 1982, but there was a second special session, ch. 2 of which repealed 2-8-1 to 2-8-53 NMSA 1978.

## **ARTICLE 8A**

### **Apportionment of Senate (Repealed.)**

**2-8A-1 to 2-8A-52. Repealed.**

#### **ANNOTATIONS**

**Repeals.** — Laws 1982 (3rd S.S.), ch. 1, § 52, purportedly repealed Laws 1982 (1st S.S.), ch. 2, effective June 23, 1982. There was no first special session in 1982, but there was a second special session, ch. 2 of which enacted 2-8A-1 to 2-8A-52 NMSA 1978, relating to the apportionment of the senate. For present provisions, see 2-8D-1 NMSA 1978 et seq.

## **ARTICLE 8B**

### **Apportionment of Senate (Repealed.)**

**2-8B-1 to 2-8B-51. Repealed.**

#### **ANNOTATIONS**

**Repeals.** — Laws 1991 (1st S.S.), ch. 3, § 50 repealed 2-8B-1 to 2-8B-51 NMSA 1978, as enacted by Laws 1982 (3rd S.S.), ch. 1, §§ 1 to 51 relating to the 1982 Senate Reapportionment Act, effective December 18, 1991. For provisions of former sections, see the 1990 NMSA 1978 on *NMOneSource.com*.

## **ARTICLE 8C**

### **1991 Senate Redistricting Act (Repealed.)**

#### **2-8C-1 to 2-8C-49. Repealed.**

#### **ANNOTATIONS**

**Repeals.** — Laws 2002, ch. 98, § 50 repealed 2-8C-1 to 2-8C-49 NMSA 1978, as enacted by Laws 1991 (1st S.S.), ch. 3, § 1, relating to the 1991 Senate Redistricting Act, effective May 15, 2002. For provisions of former sections, see the 2001 NMSA 1978 on *NMOneSource.com*.

## **ARTICLE 8D**

### **2002 Senate Redistricting Act (Repealed.)**

#### **2-8D-1. Repealed.**

**History:** Laws 2002, ch. 98, § 1; repealed by Laws 2021 (2nd S.S.), ch. 7, § 51.

#### **ANNOTATIONS**

**Repeals.** — Laws 2021 (2nd S.S.), ch. 7, § 51 repealed 2-8D-1 NMSA 1978, as enacted by Laws 2002, ch. 98, § 1, relating to short title, effective March 17, 2022. For provisions of former section, see the 2021 NMSA 1978 on *NMOneSource.com*.

#### **2-8D-2. Repealed.**

**History:** Laws 2002, ch. 98, § 2; repealed by Laws 2021 (2nd S.S.), ch. 7, § 51.

#### **ANNOTATIONS**

**Repeals.** — Laws 2021 (2nd S.S.), ch. 7, § 51 repealed 2-8D-2 NMSA 1978, as enacted by Laws 2002, ch. 98, § 2, relating to membership, effective March 17, 2022. For provisions of former section, see the 2021 NMSA 1978 on *NMOneSource.com*.

#### **2-8D-3. Repealed.**

**History:** Laws 2002, ch. 98, § 3; repealed by Laws 2021 (2nd S.S.), ch. 7, § 51.

## ANNOTATIONS

**Repeals.** — Laws 2021 (2nd S.S.), ch. 7, § 51 repealed 2-8D-3 NMSA 1978, as enacted by Laws 2002, ch. 98, § 3, relating to residence, effective March 17, 2022. For provisions of former section, see the 2021 NMSA 1978 on *NMOneSource.com*.

### **2-8D-4. Repealed.**

**History:** Laws 2002, ch. 98, § 4; repealed by Laws 2021 (2nd S.S.), ch. 7, § 51.

## ANNOTATIONS

**Repeals.** — Laws 2021 (2nd S.S.), ch. 7, § 51 repealed 2-8D-4 NMSA 1978, as enacted by Laws 2002, ch. 98, § 4, relating to elections, vacancies, effective March 17, 2022. For provisions of former section, see the 2021 NMSA 1978 on *NMOneSource.com*.

### **2-8D-5. Repealed.**

**History:** Laws 2002, ch. 98, § 5; repealed by Laws 2021 (2nd S.S.), ch. 7, § 51.

## ANNOTATIONS

**Repeals.** — Laws 2021 (2nd S.S.), ch. 7, § 51 repealed 2-8D-5 NMSA 1978, as enacted by Laws 2002, ch. 98, § 5, relating to precincts, effective March 17, 2022. For provisions of former section, see the 2021 NMSA 1978 on *NMOneSource.com*.

### **2-8D-6 to 2-8D-49. Repealed.**

## ANNOTATIONS

**Repeals.** — Laws 2021 (2nd S.S.), ch. 7, § 51 repealed the 2002 Senate Redistricting Act, effective March 17, 2022.

## **ARTICLE 8E**

### **State Senate Redistricting Plan (Deleted.)**

#### **2-8E-1. Deleted.**

## ANNOTATIONS

**Compiler's notes.** — Laws 2021 (2nd S.S.), ch. 7, § 50 directed the compiler to remove the provisions of 2-8E-1 from the NMSA 1978, effective March 17, 2022. For provisions of former section, see the 2021 NMSA 1978 on *NMOneSource.com*.

The districts set out in the 2002 Senate Redistricting Act, Sections 2-8D-6 through 2-8D-49 NMSA 1978, were held to be malapportioned and therefore unconstitutional in *Egolf v. Duran*, D-101-CV-2011-02942 (1st Jud. Dist. January 25, 2012). The redistricting plan embodied in former 2-8E-1 NMSA 1978 was adopted by that court. The section number was assigned by the compiler.

## **ARTICLE 8F**

### **2021 Senate Redistricting**

#### **2-8F-1. Short title.**

This act [2-8F-1 to 2-8F-49 NMSA 1978] may be cited as the "2021 Senate Redistricting Act".

**History:** Laws 2021 (2nd S.S.), ch. 7, § 1.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

**Legislature must construct voting districts based on actual population.** — The state legislature must employ a good-faith effort to construct legislative voting districts on the basis of actual population. *Sanchez v. King*, 550 F. Supp. 13 (D.N.M.), aff'd, 459 U.S. 801, 103 S. Ct. 32, 74 L. Ed. 2d 46 (1982).

#### **2-8F-2. Membership.**

The senate is composed of forty-two members to be elected from districts that are contiguous and that are as compact as is practicable.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 2.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-3. Residence.**

At the time of filing a declaration of candidacy for the office of senator, the candidate shall reside in the district for which the candidate files. Thereafter, if a senator permanently removes the senator's residence from or maintains no residence in the

district from which the senator was elected, the senator shall be deemed to have resigned, and the senator's successor shall be selected as provided in Section 4 [2-8F-4 NMSA 1978] of the 2021 Senate Redistricting Act.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 3.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-8F-4. Elections; vacancies.**

A. Members of the senate shall be elected for terms of four years.

B. If a vacancy occurs in the office of senator for any reason, the vacancy shall be filled as follows:

(1) for a senate district that is situated wholly within the exterior boundaries of a single county, the board of county commissioners of that county shall appoint the senator to fill the vacancy; and

(2) for a senate district situated within two or more counties:

(a) the board of county commissioners of each county in the senate district shall submit one name to the governor; and

(b) the governor shall appoint the senator to fill the vacancy from the list of names so submitted.

C. All appointments to fill vacancies in the senate shall be for a term ending on December 31 subsequent to the next succeeding general election, at which general election a person shall be elected to fill the remainder of any unexpired term.

D. An appointment to fill a vacancy made before the general election of 2024 shall be made from the district as it was described in Section 2-8E-1 NMSA 1978, as established by the court in *Egolf v. Duran*, D-101-CV-2011-02942 (1st Dist. Ct., Judgement and Final Order (State Senate Trial) filed January 25, 2012). On or after the general election of 2024, a vacancy shall be filled by appointment from the district as set out in the 2021 Senate Redistricting Act.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 4.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-5. Precincts.**

A. Precinct designations and boundaries used in the 2021 Senate Redistricting Act are those precinct designations and boundaries established pursuant to the Precinct Boundary Adjustment Act [1-3-10 to 1-3-14 NMSA 1978] and revised and approved pursuant to that act by the secretary of state as of November 30, 2021.

B. A board of county commissioners shall not create any precinct that lies in more than one senate district and shall not divide any precinct so that the divided parts of the precinct are situated in two or more senate districts. Votes cast in any general, primary or other statewide election from precincts created or divided in violation of this subsection are invalid and shall not be counted or canvassed.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 5.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

**Legislature must construct voting districts based on actual population.** — The state legislature must employ a good-faith effort to construct legislative voting districts on the basis of actual population. *Sanchez v. King*, 550 F. Supp. 13 (D.N.M.), aff'd, 459 U.S. 801, 103 S. Ct. 32, 74 L. Ed. 2d 46 (1982).

## **2-8F-6. Districts.**

The districts of the senate shall be as set out in Sections 7 [2-8F-7 NMSA 1978] through 48 [2-8F-48 NMSA 1978] of the 2021 Senate Redistricting Act.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 6.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-7. Senate district one.**

Senate district one is composed of San Juan county precincts 19, 21 through 23, 25 through 40, 43, 45, 46, 49 through 53, 56, 105 through 107, 109, 110 and 121.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 7.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-8. Senate district two.**

Senate district two is composed of San Juan county precincts 41, 42, 44, 47, 48, 54, 55, 57, 58, 60 through 82, 90 and 99 through 104.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 8.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-9. Senate district three.**

Senate district three is composed of McKinley county precincts 2, 5 through 8, 20, 21, 31 through 35, 37 through 43, 47, 49, 50, 58, 59, 63 and 67 through 70; and San Juan county precincts 1 through 7, 13, 17, 18, 20, 24, 59, 108, 120, 130 through 132 and 134.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 9.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-10. Senate district four.**

Senate district four is composed of Cibola county precincts 4 through 8, 10 through 16, 26, 28 and 30; McKinley county precincts 1, 3, 4, 17 through 19, 22 through 26, 28, 36, 44 through 46, 48, 52 through 57, 64 and 65; and San Juan county precincts 8 through 12 and 133.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 10.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-11. Senate district five.**

Senate district five is composed of Los Alamos county precincts 9 through 23; Rio Arriba county precincts 5, 10 through 14, 25 through 28, 36 through 40, 45 through 48 and 56 through 69; Sandoval county precinct 51; and Santa Fe county precincts 1, 58, 79 and 118.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 11.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-12. Senate district six.**

Senate district six is composed of Los Alamos county precincts 1 through 8; Rio Arriba county precincts 49 and 70 through 74; Santa Fe county precincts 2 through 5, 23, 40, 59 through 61, 87 and 128; and Taos county precincts 1, 2, 5 through 17, 19 through 42 and 44 through 47.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 12.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-13. Senate district seven.**

Senate district seven is composed of Curry county precincts 1 through 4, 6 through 27, 32, 34, 35 and 37 through 43; Harding county precinct 3; Quay county precincts 1 through 4 and 6 through 11; and Union county.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 13.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-8F-14. Senate district eight.**

Senate district eight is composed of Colfax county; Guadalupe county; Harding county precincts 1 and 2; Mora county; Quay county precincts 5 and 12; San Miguel county precincts 1 through 12, 14 through 17, 19, 21, 25 through 30 and 32 through 34; and Taos county precincts 3, 4, 18 and 43.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 14.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-8F-15. Senate district nine.**

Senate district nine is composed of Bernalillo county precincts 2, 78, 79, 84, 89, 171 through 173, 179, 200, 232, 248, 624, 627 and 642; and Sandoval county precincts 1 through 6, 11 through 13, 29, 33, 35, 36, 38, 52 through 57, 59, 64, 74, 76, 87 through 90, 92 through 94, 98, 99, 102, 112 through 114, 119, 130 through 133, 140, 141, 153 and 154.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 15.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-8F-16. Senate district ten.**

Senate district ten is composed of Bernalillo county precincts 3 through 6, 8 through 13, 19, 82, 83, 85, 86, 100, 108, 111 through 114, 121, 126, 127, 150 through 155, 162, 163, 166, 180 through 184, 201 through 205, 219, 220, 222, 238, 257, 276, 277, 279, 605, 628, 634, 640 and 645 through 649.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 16.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-8F-17. Senate district eleven.**

Senate district eleven is composed of Bernalillo county precincts 32, 41, 43 through 45, 49 through 51, 53, 56, 59, 60, 64 through 66, 71, 74, 130, 137 through 140, 147 through 149, 190, 236, 237, 239, 240, 267, 367, 604, 619, 621 and 654.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 17.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-8F-18. Senate district twelve.**

Senate district twelve is composed of Bernalillo county precincts 68, 69, 80, 116, 128, 174, 175, 177, 230, 261, 610, 623, 625, 635 through 637, 641, 644 and 686; and Sandoval county precincts 30 through 32, 40 through 46, 48, 49, 62, 72, 73, 81, 86, 96, 97, 105 through 108, 117, 128, 129, 138, 139, 147, 148, 151 and 157.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 18.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-8F-19. Senate district thirteen.**

Senate district thirteen is composed of Bernalillo county precincts 7, 14 through 18, 95, 103 through 106, 122 through 125, 131 through 133, 135, 161, 164, 165, 185 through 188, 191 through 197, 211, 212, 214 through 216, 218, 221, 224 through 226, 259, 338, 341, 345, 369, 375, 455, 613, 651, 661 and 668.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 19.

## ANNOTATIONS

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-20. Senate district fourteen.**

Senate district fourteen is composed of Bernalillo county precincts 42, 52, 54, 63, 67, 72, 73, 75 through 77, 90 through 92, 94, 96 through 99, 109, 141 through 146, 213, 247, 260, 262, 268 through 270, 288, 340, 600, 620, 629, 630, 638 and 655.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 20.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-21. Senate district fifteen.**

Senate district fifteen is composed of Bernalillo county precincts 346, 347, 359, 370, 400 through 409, 411, 421, 431 through 446, 466, 481, 488, 490 through 494, 496 through 500, 511, 513, 581, 662 and 666.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 21.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-22. Senate district sixteen.**

Senate district sixteen is composed of Bernalillo county precincts 101, 102, 107, 223, 235, 241 through 246, 251 through 256, 258, 266, 271 through 274, 278, 289, 290, 324, 325, 332, 342 through 344, 349 through 358, 363, 371, 374, 377, 381 through 387 and 660.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 22.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-23. Senate district seventeen.**

Senate district seventeen is composed of Bernalillo county precincts 275, 280 through 287, 291, 292, 296, 310 through 312, 318 through 323, 326 through 331, 336, 337, 378, 379, 476 through 478, 591 and 671.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 23.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-24. Senate district eighteen.**

Senate district eighteen is composed of Bernalillo county precincts 313 through 317, 365, 366, 368, 372, 373, 376, 380, 388, 396, 397, 412 through 417, 428, 449 through 454, 461 through 463, 465, 471, 475, 482 through 484, 495, 502, 507 through 509, 512, 514, 515, 517, 521 through 524, 528, 529, 538, 562, 563, 583, 663, 670, 675 through 677 and 679.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 24.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-25. Senate district nineteen.**

Senate district nineteen is composed of Bernalillo county precincts 294, 295, 301 through 304, 307, 309, 333, 334, 392, 393, 539, 551 through 559, 567, 569 through 580, 582, 595 through 597, 658, 659 and 681; Sandoval county precinct 28; Santa Fe county precincts 15, 16, 18, 19, 73, 84, 85, 115, 125, 148, 156 and 157; and Torrance county precincts 5, 6, 13, 15 and 17 through 22.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 25.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-26. Senate district twenty.**

Senate district twenty is composed of Bernalillo county precincts 293, 297 through 300, 305, 306, 308, 335, 348, 364, 389, 391, 395, 464, 472 through 474, 480, 503 through 506, 516, 518, 519, 525 through 527, 530 through 537, 540, 542 through 550, 561, 564 through 566, 603, 656, 657, 672, 678 and 680.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 26.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-27. Senate district twenty-one.**

Senate district twenty-one is composed of Bernalillo county precincts 339, 360 through 362, 390, 398, 410, 418 through 420, 422 through 427, 429, 430, 447, 448, 456 through 460, 467 through 470, 479, 485 through 487, 489, 501, 510, 520, 541, 560, 568, 584 through 590, 592 through 594, 598, 601, 602, 608, 664, 665, 667, 669, 673, 674 and 682 through 685.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 27.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-28. Senate district twenty-two.**

Senate district twenty-two is composed of Bernalillo county precinct 31; McKinley county precincts 9 through 16, 51, 60 through 62 and 71; Rio Arriba county precincts 1 through 4, 21 through 24 and 35; Sandoval county precincts 7 through 10, 14 through 27, 65, 66, 75, 77 through 79, 91, 95, 120 through 123 and 135; and San Juan county precincts 14 through 16 and 83.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 28.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-29. Senate district twenty-three.**

Senate district twenty-three is composed of Bernalillo county precincts 1, 20 through 22, 24 through 26, 30, 55, 57, 81, 87, 110, 115, 117, 118, 129, 136, 168, 170, 176, 206 through 210, 217, 227 through 229, 231, 249, 264, 265, 606, 609, 611, 612, 614 through 616, 626, 631, 632, 643, 650, 652, 653 and 687.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 29.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-30. Senate district twenty-four.**

Senate district twenty-four is composed of Santa Fe county precincts 24, 25, 31 through 35, 38, 39, 41, 42, 49 through 51, 56, 64, 66, 67, 74 through 76, 78, 86, 97 through 99, 105, 106, 108, 109, 116, 133, 135 through 138, 140 through 144, 149, 151, 159, 160, 170, 174, 176, 178 and 179.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 30.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-31. Senate district twenty-five.**

Senate district twenty-five is composed of Santa Fe county precincts 6 through 11, 13, 20 through 22, 26 through 30, 36, 37, 43 through 48, 52 through 55, 57, 63, 68, 69, 77, 81 through 83, 90 through 92, 94 through 96, 100 through 104, 117, 119 through 124, 127, 129 through 132, 139, 146, 147, 152, 153, 155, 158, 161 through 165, 169, 171 through 173 and 177.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 31.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-32. Senate district twenty-six.**

Senate district twenty-six is composed of Bernalillo county precincts 23, 27 through 29, 33 through 40, 46 through 48, 61, 62, 70, 119, 120, 134, 156 through 160, 167, 169, 178, 189, 198, 199, 233, 234, 263, 394, 399, 599, 607, 617, 618, 622, 633 and 639.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 32.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-33. Senate district twenty-seven.**

Senate district twenty-seven is composed of Chaves county precincts 1 through 13, 17, 18, 20 through 22, 40, 41 and 43 through 46; Curry county precincts 5, 28 through 31, 33 and 36; De Baca county; Lea county precincts 2 and 3; and Roosevelt county.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 33.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-34. Senate district twenty-eight.**

Senate district twenty-eight is composed of Grant county precincts 7 through 9, 11 through 34 and 36 through 39; Hidalgo county precincts 1 through 3, 5 and 6; and Luna county precincts 1 and 3 through 17.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 34.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-35. Senate district twenty-nine.**

Senate district twenty-nine is composed of Socorro county precincts 1 through 3, 7 through 10, 16 through 23, 25 and 27; and Valencia county precincts 2, 4 through 6, 8 through 11, 14, 15, 18 through 22, 25, 26, 29, 31 through 36, 40, 43, 45, 46, 48, 51, 53, 57 through 63 and 66.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 35.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-36. Senate district thirty.**

Senate district thirty is composed of Bernalillo county precincts 58, 88, 93 and 250; Cibola county precincts 1 through 3, 9, 17 through 25, 27 and 29; McKinley county precincts 27, 29, 30 and 66; Socorro county precincts 15 and 24; and Valencia county precincts 1, 3, 7, 12, 13, 17, 23, 27, 37, 39, 41, 42, 44, 52, 54, 55, 64 and 65.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 36.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-37. Senate district thirty-one.**

Senate district thirty-one is composed of Dona Ana county precincts 11 through 13, 15, 74 through 76, 80, 81, 97, 104, 114, 120, 152, 157 through 170, 188 and 189; and Otero county precincts 1 and 41 through 45.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 37.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-38. Senate district thirty-two.**

Senate district thirty-two is composed of Chaves county precincts 14 through 16, 23 through 25, 31 through 35, 42, 51, 52, 61 through 64, 71 through 74, 81 through 85, 90

through 95, 101 through 104 and 106; and Eddy county precincts 1 through 4, 8, 22, 31, 41, 43 and 53.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 38.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-39. Senate district thirty-three.**

Senate district thirty-three is composed of Chaves county precincts 36 and 105; Lincoln county; and Otero county precincts 10 through 14, 22 through 33, 37 through 40, 51 through 54, 56, 64 and 65.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 39.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-40. Senate district thirty-four.**

Senate district thirty-four is composed of Eddy county precincts 6, 7, 13 through 18, 21, 23, 25, 26, 29, 30, 34, 35, 38 and 40; and Otero county precincts 2 through 9, 15 through 21, 34 through 36, 46 through 50, 55, 57 through 63 and 66.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 40.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-41. Senate district thirty-five.**

Senate district thirty-five is composed of Catron county; Dona Ana county precincts 3, 5, 21, 62, 64 through 66, 100, 105, 107, 118, 119, 121, 122, 128, 129, 132, 134, 171 through 175, 182 and 185; Grant county precincts 1 through 6, 10 and 35; Hidalgo county precinct 4; Luna county precincts 2 and 18; Sierra county; and Socorro county precincts 4 through 6, 11 through 14 and 26.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 41.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-42. Senate district thirty-six.**

Senate district thirty-six is composed of Dona Ana county precincts 1, 2, 4, 20, 22, 24, 25, 29, 30, 32, 33, 35, 36, 41 through 44, 48, 60, 61, 63, 83 through 90, 92 through 95, 99, 109, 111, 115, 123 through 127, 135, 136, 177, 179, 183 and 190.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 42.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-43. Senate district thirty-seven.**

Senate district thirty-seven is composed of Dona Ana county precincts 6, 26 through 28, 34, 45 through 47, 50 through 52, 59, 67 through 73, 77, 91, 102, 103, 106, 110, 112, 113, 116, 117, 130, 131, 133, 137 through 144, 149, 153, 176, 178, 180, 181 and 186.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 43.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

#### **2-8F-44. Senate district thirty-eight.**

Senate district thirty-eight is composed of Dona Ana county precincts 7 through 10, 14, 16 through 19, 23, 31, 37 through 40, 49, 53 through 58, 78, 79, 82, 96, 98, 101, 108, 145 through 148, 150, 151, 154 through 156, 184 and 187.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 44.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-8F-45. Senate district thirty-nine.**

Senate district thirty-nine is composed of San Miguel county precincts 13, 18, 20, 22 through 24 and 31; Santa Fe county precincts 12, 14, 17, 62, 65, 70 through 72, 80, 88, 89, 93, 107, 110 through 114, 126, 134, 145, 150, 154, 166 through 168 and 175; Torrance county precincts 1 through 4, 7 through 12, 14 and 16; and Valencia county precincts 16, 24, 28, 30, 38, 47, 49, 50 and 56.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 45.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-8F-46. Senate district forty.**

Senate district forty is composed of Sandoval county precincts 34, 37, 39, 47, 50, 58, 60, 61, 63, 67 through 71, 80, 82 through 85, 100, 101, 103, 104, 109 through 111, 115, 116, 118, 124 through 127, 134, 136, 137, 142 through 146, 149, 150, 152, 155 and 156.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 46.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

### **2-8F-47. Senate district forty-one.**

Senate district forty-one is composed of Eddy county precincts 9 through 11, 32, 33, 44 and 49 through 52; and Lea county precincts 8, 9, 11, 12, 14 through 17, 31, 32, 34 through 36, 50 through 55, 58, 59, 61, 62 and 71 through 74.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 47.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-48. Senate district forty-two.**

Senate district forty-two is composed of Chaves county precinct 47; Eddy county precincts 5, 12, 19, 20, 24, 27, 28, 36, 37, 39, 42, 45 through 48 and 54; and Lea county precincts 10, 13, 18 through 30, 33, 37 through 44, 56 and 57.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 48.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

## **2-8F-49. Election of senators.**

Senators shall be elected from the districts described in the 2021 Senate Redistricting Act at the 2024 and subsequent general elections.

**History:** Laws 2021 (2nd S.S.), ch. 7, § 49.

### **ANNOTATIONS**

**Effective dates.** — Laws 2021 (2nd S.S.), ch. 7 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective March 17, 2022, 90 days after adjournment of the legislature.

# **ARTICLE 9**

## **Sessions**

### **2-9-1. Regular sessions; designation.**

The regular session of the legislature convening in January, 1966, shall be designated as the "second session of the twenty-seventh legislature." Thereafter, the regular session of the legislature convening in the year immediately following every general election shall be designated as the "first session" of the next consecutively numbered legislature, and the regular session convening in the even-numbered year next following such session shall be designated as the "second session" of that same legislature.

**History:** 1953 Comp., § 2-10-1, enacted by Laws 1966, ch. 1, § 1.

## ANNOTATIONS

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 72 Am. Jur. 2d States, Territories, and Dependencies § 43.

Power of legislature or branch thereof as to time of assembly and length of session, 56 A.L.R. 721.

Power of executive to sign bill after adjournment, or during recess of legislature, 64 A.L.R. 1468.

81A C.J.S. States § 48.

## ARTICLE 10

### Legislative Education Study Committee

#### **2-10-1. Creation of committee; members; number; appointment; term of office.**

A permanent joint interim committee of the legislature to be called the "legislative education study committee" is created. The committee shall be composed of ten members, four from the senate and six from the house. The house education committee and the senate education committee shall be represented. The committee members shall be appointed for two-year terms which shall expire on the first day of each odd-year session. The term of any member shall terminate when such member ceases to be a member of the legislature. Members shall be appointed by the committees' committee of the senate or, if the appointment is made in the interim, by the president pro tempore after consultation with and agreement of a majority of the members of the committees' committee, and the speaker of the house of representatives; provided, however, minority members shall be appointed by the speaker only from recommendations made by the minority floor leader although the speaker shall retain the right to reject any such recommendations. Vacancies on the committee shall be filled for the unexpired term by the respective appointing authority which makes the original appointments and subject to the same recommendations, provided that members shall be appointed from the respective houses, parties and committees, so as to maintain the same number of house and senate members and the same representation of standing committees as provided in the original appointments. Each of the two parties having the largest number of members in the legislature shall be represented on the committee in proportion to the membership of each such party in each house; provided that in the computation, major fractions shall be counted as whole numbers, and in no event shall either of the two major parties have less than one member from each house.

The officers shall be appointed for terms coterminous with their membership on the committee. Each office shall be alternated between the respective houses each two years. For the terms beginning in 1979, the chairman shall be a house member and the

vice chairman, if any, shall be a senate member. The appointing authority of each house shall exercise its appointing authority by naming the chairman or vice chairman respectively on this alternating basis.

No action shall be taken by the committee if a majority of the total membership from either house on the committee rejects such action.

**History:** 1953 Comp., § 2-11-6, enacted by Laws 1971, ch. 287, § 1; 1978, ch. 21, § 13; 1979, ch. 267, § 1.

## ANNOTATIONS

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 72 Am. Jur. 2d States, Territories, and Dependencies §§ 51 to 54.

81A C.J.S. States § 55.

### **2-10-2. Director of the legislative education study committee staff.**

The position of "director of the legislative education study committee staff" is created. The director shall be hired by the committee and shall serve at its pleasure. The director shall be provided with the necessary office space, supplies, equipment and assistants by the committee. His salary shall be set by the committee.

**History:** 1953 Comp., § 2-11-7, enacted by Laws 1971, ch. 287, § 2; 1979, ch. 267, § 2; 1982, ch. 97, § 1.

## ANNOTATIONS

**This section is not continuing appropriation;** a further, specific appropriation is necessary to authorize payment of public funds to pay for staff and other necessary support for interim activities of the legislature as allowed by N.M. Const., art. IV, § 30. 1985 Op. Att'y Gen. No. 85-02.

### **2-10-3. Duties of the committee.**

The committee shall:

A. direct the director in his work for the committee;

B. conduct a continuing study of all education in New Mexico, the laws governing such education and the policies and costs of the New Mexico educational system provided that such studies shall not duplicate studies conducted by the board of educational finance, nor shall such studies, related to higher education, deal with any subject other than the training of certified teaching personnel in post-secondary institutions;

C. recommend changes in laws relating to education, if any are deemed desirable, and draft and present to the legislature any legislation necessary; and

D. make a full report of its findings and recommendations for the consideration of each odd-year session on or before the tenth day thereof, and may make additional reports as it deems necessary.

**History:** 1953 Comp., § 2-11-8, enacted by Laws 1971, ch. 287, § 3; 1979, ch. 267, § 3.

### **ANNOTATIONS**

**Cross references.** — For financing of state educational institutions, see 6-17-1 NMSA 1978 et seq.

#### **2-10-4. Compensation of members of the committee; staff travel.**

The members of the committee shall receive reimbursement for expenses for attending meetings or traveling in connection with their duties in the same manner and under the same policies as the legislative council. The director and his assistants shall be reimbursed for their travel expenses in the same manner and amount as other state employees.

**History:** 1953 Comp., § 2-11-9, enacted by Laws 1971, ch. 287, § 4; 1979, ch. 267, § 4.

### **ANNOTATIONS**

**Cross references.** — For per diem and mileage payments to members, officers and employees of the legislative branch for out-of-state travel on business of interim committees, see 2-1-9 NMSA 1978.

For constitutional limitations on per diem and mileage payments to members of the legislature, see N.M. Const., art. IV, § 10.

For provisions of the Per Diem and Mileage Act, see 10-8-1 NMSA 1978 et seq.

**Legislature intended 2-1-9 NMSA 1978 to govern certain reimbursements** to members of the legislative education study committee, the legislative council and the legislative finance committee. 1979 Op. Att'y Gen. No. 79-40.

#### **2-10-5. Expenditure of funds.**

Payments from funds appropriated for the use of the legislative education study committee shall be made on vouchers signed by the chairman or his designee subject to committee approval.

**History:** 1953 Comp., § 2-11-10, enacted by Laws 1971, ch. 287, § 5; 1979, ch. 267, § 5; 1982, ch. 97, § 2.

## **ARTICLE 11**

### **Lobbyist Regulation**

#### **2-11-1. Short title.**

Chapter 2, Article 11 NMSA 1978 may be cited as the "Lobbyist Regulation Act".

**History:** 1953 Comp., § 2-13-1, enacted by Laws 1977, ch. 261, § 1; 1993, ch. 46, § 18.

#### **ANNOTATIONS**

**The 1993 amendment,** effective July 1, 1993, substituted "Chapter 2, Article 11 NMSA 1978" for "This act".

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 51 Am. Jur. 2d Lobbying §§ 7, 12 to 14.

Validity and construction of state and municipal enactments regulating lobbying, 42 A.L.R.3d 1046.

82 C.J.S. Statutes § 7.

#### **2-11-2. Definitions.**

As used in the Lobbyist Regulation Act:

A. "compensation" means any money, per diem, salary, fee or portion thereof or the equivalent in services rendered or in-kind contributions received or to be received in return for lobbying services performed or to be performed;

B. "expenditure" means a payment, transfer or distribution or obligation or promise to pay, transfer or distribute any money or other thing of value but does not include a lobbyist's own personal living expenses and the expenses incidental to establishing and maintaining an office in connection with lobbying activities or compensation paid to a lobbyist by a lobbyist's employer;

C. "legislative committee" means a committee created by the legislature, including interim and standing committees of the legislature;

D. "lobbying" means attempting to influence:

(1) a decision related to any matter to be considered or being considered by the legislative branch of state government or any legislative committee or any legislative matter requiring action by the governor or awaiting action by the governor; or

(2) an official action;

E. "lobbyist" means any individual who is compensated for the specific purpose of lobbying; is designated by an interest group or organization to represent it on a substantial or regular basis for the purpose of lobbying; or in the course of his employment is engaged in lobbying on a substantial or regular basis. "Lobbyist" does not include:

(1) an individual who appears on his own behalf in connection with legislation or an official action;

(2) any elected or appointed officer of the state or its political subdivisions or an Indian tribe or pueblo acting in his official capacity;

(3) an employee of the state or its political subdivisions, specifically designated by an elected or appointed officer of the state or its political subdivision, who appears before a legislative committee or in a rulemaking proceeding only to explain the effect of legislation or a rule on his agency or political subdivision, provided the elected or appointed officer of the state or its political subdivision keeps for public inspection, and files with the secretary of state, such designation;

(4) any designated member of the staff of an elected state official, provided the elected state official keeps for public inspection and files with the secretary of state such designation;

(5) a member of the legislature, the staff of any member of the legislature or the staff of any legislative committee when addressing legislation;

(6) any witness called by a legislative committee or administrative agency to appear before that legislative committee or agency in connection with legislation or an official action;

(7) an individual who provides only oral or written public testimony in connection with a legislative committee or in a rulemaking proceeding and whose name and the interest on behalf of which he testifies have been clearly and publicly identified; or

(8) a publisher, owner or employee of the print media, radio or television, while gathering or disseminating news or editorial comment to the general public in the ordinary course of business;

F. "lobbyist's employer" means the person whose interests are being represented and by whom a lobbyist is directly or indirectly retained, compensated or employed;

G. "official action" means the action or nonaction of a state official or state agency, board or commission acting in a rulemaking proceeding;

H. "person" means an individual, partnership, association, committee, federal, state or local governmental entity or agency, however constituted, public or private corporation or any other organization or group of persons who are voluntarily acting in concert;

I. "political contribution" means a gift, subscription, loan, advance or deposit of any money or other thing of value, including the estimated value of an in-kind contribution, that is made or received for the purpose of influencing a primary, general or statewide election, including a constitutional or other question submitted to the voters, or for the purpose of paying a debt incurred in any such election;

J. "prescribed form" means a form prepared and prescribed by the secretary of state;

K. "rulemaking proceeding" means a formal process conducted by a state agency, board or commission for the purpose of adopting a rule, regulation, standard, policy or other requirement of general applicability and does not include adjudicatory proceedings; and

L. "state public officer" means a person holding a statewide office provided for in the constitution of New Mexico.

**History:** 1953 Comp., § 2-13-2, enacted by Laws 1977, ch. 261, § 2; 1985, ch. 16, § 1; 1993, ch. 46, § 19; 1994, ch. 85, § 1.

## ANNOTATIONS

**The 1994 amendment**, effective May 18, 1994, in Subsection E, in the introductory paragraph, inserted "the specific purpose", "or organization", "on a substantial or regular basis", and "'Lobbyist' does not include", and redesignated the paragraphs and subparagraphs, adding Paragraphs (1), (3), (4), (7), and (8), and deleting former Subparagraph (3)(d) relating to individuals who appear before a legislative committee to testify; and made stylistic changes throughout the section.

**The 1993 amendment**, effective July 1, 1993, rewrote this section to the extent that a detailed comparison is impracticable.

**The state ethics commission has jurisdiction to enforce the registration and reporting requirements of the Lobbyist Regulation Act against all "persons," both individuals and organizations.** — Where petitioner conducted a digital lobbying

advertising campaign, spending \$36,000 on that campaign and then registering with the secretary of state, as required by the Lobbyist Regulation Act (LRA), 2-11-6(I) NMSA 1978, and filing the required expenditure report, but failing to list the identity of the contributors to its advertising campaign, the amounts contributed by each, and each contributor's address and employment, and where, in response to a complaint filed with the state ethics commission (commission) alleging that petitioner violated 2-11-6(I) NMSA 1978, petitioner filed a motion to dismiss, claiming that the commission did not have jurisdiction to enforce 2-11-6(I) NMSA 1978, and where, following a hearing officer's denial of petitioner's motion to dismiss, petitioner filed a verified petition for writ of mandamus with the district court, asking the district court to issue its writ ordering the commission to cease all proceedings against petitioner and to dismiss the complaint for lack of jurisdiction, claiming that 10-16G-9(A) NMSA 1978 of the State Ethics Commission Act limited the commission's jurisdiction to an individual who is a "lobbyist" or to that "lobbyist's employer," as defined by 2-11-2(E) NMSA 1978 and 2-11-2(F) NMSA 1978, respectively, the district court erred in concluding that the commission lacked jurisdiction to proceed, because the sole issue before the commission was whether an organization which engages in a lobbying advertising campaign is a "person" within the commission's enforcement jurisdiction, and by using the word "person" in the State Ethics Commission Act (ECA) to define the term "lobbyist," the legislature intended to include organizations, associations, and other legal or commercial entities within the definition of "lobbyists." Individuals and organizations that are required by any provision of the LRA to register with the secretary of state, are "lobbyists," as the ECA defines the term, and therefore the legislature granted the commission jurisdiction to enforce the registration and reporting requirements of the LRA against all "persons," both individuals and organizations, that are required by the terms of the LRA to register with the secretary of state. *N.M. Fams. Forward v. N.M. State Ethics Comm'n*, 2025-NMCA-016, cert. denied.

### **2-11-3. Registration statement to be filed; contents; modification to statement.**

A. In the month of January prior to each regular session or before any service covered by the Lobbyist Regulation Act commences, any individual who is initially employed or retained as a lobbyist shall register with the secretary of state by paying an annual filing fee of fifty dollars (\$50.00) for each of the lobbyist's employers and by filing a single registration statement under oath in an electronic format as prescribed by the secretary of state that states:

- (1) the lobbyist's full name, permanent business address and business address while lobbying; and
- (2) the name and address of each of the lobbyist's employers.

B. No registration fee shall be required of individuals receiving only reimbursement of personal expenses and no other compensation or salary for lobbying. Except as required by Subsection D of Section 2-11-6 NMSA 1978, no expenditure report shall be

required if the lobbyist anticipates making or incurring and makes or incurs no expenditures or political contributions under Section 2-11-6 NMSA 1978. The lobbyist shall indicate in the lobbyist's registration statement whether those circumstances apply to the lobbyist.

C. Upon receipt of the online registration and payment, the secretary of state shall publish the registration information on the secretary of state's lobbying disclosure website.

D. For each employer listed in Paragraph (2) of Subsection A of this section, the lobbyist shall file the following information:

- (1) a full disclosure of the sources of funds used for lobbying;
- (2) an affirmation from each of the lobbyist's employers authorizing the lobbyist to lobby on the employer's behalf;
- (3) a brief description of the matters in reference to which the service is to be rendered; and
- (4) the name and address of the person, if other than the lobbyist or the lobbyist's employer, who will have custody of the accounts, bills, receipts, books, papers and documents required to be kept under the provisions of the Lobbyist Regulation Act.

E. For each succeeding year that an individual is employed or retained as a lobbyist by the same employer, and for whom all the information disclosed in the initial registration statement remains substantially the same, the lobbyist shall file a simple annual registration renewal in January and pay the fifty-dollar (\$50.00) filing fee for each of the lobbyist's employers together with a short, abbreviated prescribed form for renewal.

F. Whenever there is a modification of the facts required to be set forth by this section or there is a termination of the lobbyist's employment as a lobbyist before the end of the calendar year, the lobbyist shall notify the secretary of state using the electronic registration system within one week of such occurrence and shall furnish full information concerning the modification or termination. If the lobbyist's employment terminates at the end of a calendar year, no separate termination need be reported.

**History:** 1953 Comp., § 2-13-3, enacted by Laws 1977, ch. 261, § 3; 1985, ch. 16, § 2; 1993, ch. 46, § 20; 2015, ch. 56, § 1; 2016, ch. 13, § 2.

## ANNOTATIONS

**The 2016 amendment**, effective December 15, 2017, established an electronic registration system for lobbyists; in Subsection A, in the introductory paragraph, after "statement under oath", deleted "on a prescribed form showing" and added "in an

electronic format as prescribed by the secretary of state that states"; in Subsection B, after "salary for lobbying.", deleted "No expenditure statement required by" and added "Except as required by Subsection D of", and after the first occurrence of "2-11-6 NMSA 1978," added "no expenditure report"; in Subsection C, deleted "No more than five days after a registration is filed" and added "Upon receipt of the online registration and payment", after "publish the registration", deleted "statement" and added "information"; in Subsection D, Paragraph (2), deleted "a written statement" and added "an affirmation"; and in Subsection F, after "secretary of state", added "using the electronic registration system", after "within one", deleted "month" and added "week", after "termination" deleted "report", and after "need to be", deleted "filed" and added "reported".

**The 2015 amendment**, effective June 19, 2015, increased the lobbyist registration and renewal filing fees and required the secretary of state to publish lobbyist registration statements online; in the introductory sentence of Subsection A, after "fee of", deleted "twenty-five dollars (\$25.00)" and added "fifty dollars (\$50.00)"; in Subsection B, after "indicate in", deleted "his" and added "the lobbyist's", and after "apply to", deleted "him" and added "the lobbyist"; added Subsection C and redesignated the succeeding subsections accordingly; in Subsection D, Paragraph (4), after "lobbyist or", deleted "his" and added "the lobbyist's"; and in Subsection E, after "pay the", deleted "twenty-five-dollar (\$25.00)" and added "fifty-dollar (\$50.00)".

**The 1993 amendment**, effective July 1, 1993, rewrote this section to the extent that a detailed comparison is impracticable.

**Special session.** — A lobbyist registered during the regular session of the legislature must again register if a special session is called. 1987 Op. Att'y Gen. No. 87-12 (issued prior to 1993 amendment).

**The Lobbyist Regulation Act does not limit communications between a legislator and a lobbyist.** — The Lobbyist Regulation Act, 2-11-1 to 2-11-10 NMSA 1978, requires lobbyists to make certain financial disclosures as well as disclosures regarding the matters in reference to which they are lobbying, but the Lobbyist Regulation Act does not constrain any communications between a legislator and a lobbyist employed by an entity that contracts with or employs the legislator, nor does it constrain communications between a legislator and the board members or employees of an entity that employs or contracts with the legislator. 2022 Op. Ethics Comm'n No. 2022-06.

## **2-11-4. Recompiled.**

### **ANNOTATIONS**

**Recompilations.** — Laws 1993, ch. 46, § 24 recompiled and amended 2-11-4 NMSA 1978, relating to enforcement of the Lobbyist Regulation Act, as 2-11-8.2 NMSA 1978, effective July 1, 1993.

## **2-11-5. Other powers and duties of attorney general not limited or restricted.**

The powers and duties of the attorney general pursuant to the Lobbyist Regulation Act shall not be construed to limit or restrict the exercise of his power or the performance of his duties.

**History:** 1953 Comp., § 2-13-5, enacted by Laws 1977, ch. 261, § 5.

### **ANNOTATIONS**

**Cross references.** — For general duties of attorney general, see 8-5-2 NMSA 1978.

## **2-11-6. Expenditure report to be filed; contents; reporting periods.**

A. Each lobbyist who receives compensation or lobbyist's employer who makes or incurs expenditures or makes political contributions for the benefit of or in opposition to a state legislator or candidate for the state legislature, a state public officer or candidate for state public office, a board or commission member or state employee who is involved in an official action affecting the lobbyist's employer or in support of or in opposition to a ballot issue or pending legislation or official action shall file an expenditure report with the secretary of state using an electronic reporting system approved by the secretary of state in accordance with Section 2-11-7 NMSA 1978. The expenditure report shall include a sworn statement that sets forth:

(1) the cumulative total of all individual expenditures of less than one hundred dollars (\$100) made or incurred by the employer or lobbyist during the covered reporting period, separated into the following categories:

- (a) meals and beverages;
- (b) other entertainment expenditures; and
- (c) other expenditures;

(2) each individual expenditure of one hundred dollars (\$100) or more made or incurred by the employer or lobbyist during the covered reporting period, indicating the amount spent and a description of the expenditure. The list shall be separated into the following categories:

- (a) meals and beverages;
- (b) other entertainment expenditures; and
- (c) other expenditures;

(3) each political contribution made, and whether the contribution is from the lobbyist's employer or the lobbyist on the lobbyist's own behalf, identified by amount, date and name of the candidate or ballot issue supported or opposed; and

(4) the names, addresses, employers and occupations of other contributors and the amounts of their separate political contributions if the lobbyist or lobbyist's employer delivers directly or indirectly separate contributions from those contributors to a candidate, a campaign committee or anyone authorized by a candidate to receive funds on the candidate's behalf.

B. The expenditure report shall be filed electronically and shall be electronically authenticated by the lobbyist or the lobbyist's employer using an electronic signature as prescribed by the secretary of state in conformance with the Electronic Authentication of Documents Act [14-15-1 to 14-15-6 NMSA 1978] and the Uniform Electronic Transactions Act [Chapter 14, Article 16 NMSA 1978]. For the purposes of the Lobbyist Regulation Act, a report that is electronically authenticated in accordance with the provisions of this subsection shall be deemed to have been subscribed and sworn to by the lobbyist or the lobbyist's employer that is required to file the report.

C. In identifying expenditures pursuant to the provisions of Paragraphs (1) and (2) of Subsection A of this section, in the case of special events, including parties, dinners, athletic events, entertainment and other functions, to which all members of the legislature, to which all members of either house or any legislative committee or to which all members of a board or commission are invited, expenses need not be allocated to each individual who attended, but the date, location, name of the body invited and total expenses incurred shall be reported.

D. A lobbyist who accepts compensation for lobbying but does not incur expenditures or make political contributions during a reporting period may file a statement of no activity in lieu of a full report for that period in accordance with the reporting schedule in Subsection E of this section.

E. The reports required pursuant to the provisions of the Lobbyist Regulation Act shall be filed:

(1) no later than January 15 for all expenditures and political contributions made or incurred during the preceding year and not previously reported;

(2) within forty-eight hours for each separate expenditure made or incurred during a legislative session that was for five hundred dollars (\$500) or more;

(3) no later than the first Wednesday after the first Monday in May for all expenditures and political contributions made or incurred through the first Monday in May of the current year and not previously reported; and

(4) no later than the first Wednesday after the first Monday in October for all expenditures and political contributions made or incurred through the first Monday in October of the current year and not previously reported.

F. A lobbyist's personal living expenses and the expenses incidental to establishing and maintaining an office in connection with lobbying activities or compensation paid to a lobbyist by a lobbyist's employer need not be reported.

G. A lobbyist or lobbyist's employer shall obtain and preserve all records, accounts, bills, receipts, books, papers and documents necessary to substantiate the financial statements required to be made under the Lobbyist Regulation Act for a period of two years from the date of filing of the report containing such items. When the lobbyist is required under the terms of the lobbyist's employment to turn over any such records to the lobbyist's employer, responsibility for the preservation of them as required by this section and the filing of reports required by this section shall rest with the employer. Such records shall be made available to the secretary of state or attorney general upon written request.

H. A lobbyist's employer who also engages in lobbying shall also comply with the provisions of this section. A lobbyist and the lobbyist's employer shall coordinate their reporting to ensure that the contributions and expenditures that each have reported are not duplicative.

I. An organization of two or more persons, including an individual who makes any representation as being an organization, that within one calendar year expends funds in excess of two thousand five hundred dollars (\$2,500) not otherwise reported under the Lobbyist Regulation Act to conduct an advertising campaign for the purpose of lobbying shall register with the secretary of state within forty-eight hours after expending two thousand five hundred dollars (\$2,500). Such registration shall indicate the name of the organization and the names, addresses and occupations of any of its principals, organizers or officers and shall include the name of any lobbyist or lobbyist's employer who is a member of the organization. Within fifteen days after a legislative session, the organization shall report the contributions, pledges to contribute, expenditures and commitments to expend for the advertising campaign for the purpose of lobbying, including the names, addresses, employers and occupations of the contributors, to the secretary of state on a prescribed form.

**History:** 1953 Comp., § 2-13-6, enacted by Laws 1977, ch. 261, § 6; 1985, ch. 16, § 3; 1993, ch. 46, § 21; 1994, ch. 84, § 2; 1995, ch. 153, § 20; 1997, ch. 112, § 6; 2005, ch. 330, § 1; 2015, ch. 56, § 2; 2016, ch. 13, § 3; 2019, ch. 35, § 1.

## ANNOTATIONS

**The 2019 amendment**, effective July 1, 2019, changed lobbyist reporting requirements by requiring cumulative reporting of expenses incurred under \$100; in Subsection A, added a new Paragraph A(1) and redesignated former Paragraphs A(1) through A(3) as

Paragraphs A(2) through A(4), respectively, and in Paragraph A(2), after "each", added "individual"; in Subsection C, after "pursuant to the provisions of", deleted "Paragraph" and added "Paragraphs", and after "(1)", added "and (2)"; and in Subsection E, in Paragraphs E(1), E(3) and E(4), deleted "by 11:59 p.m. on" and added "no later than".

**The 2016 amendment**, effective July 1, 2016, established additional reporting requirements for lobbyists; in Subsection A, in the introductory paragraph, after "Each lobbyist", added "who receives compensation", after "expenditures or", added "makes", after the first occurrence of "secretary of state", deleted "on a prescribed form or in an electronic format" and added "using an electronic reporting system", and after the second occurrence of "secretary of state", deleted "and published by the secretary of state", in Paragraph (1), after the paragraph designation, deleted "the cumulative total of the expenditures" and added "each expenditure of one hundred dollars (\$100.00) or more", deleted Subparagraph (c) and redesignated the succeeding subparagraph accordingly, in Paragraph (2), after "contribution made", added "and whether the contribution is from the lobbyist's employer or the lobbyist on the lobbyist's own behalf", in Paragraph (3), after "addresses", added "employers", and after "those contributors", deleted "in excess of five hundred dollars (\$500) in the aggregate for each election"; in Subsection B, deleted "If", after "expenditure report", deleted "is" and added "shall be", and after "filed electronically", deleted "the report" and added "and"; in Subsection C, after "Subsection A of this section", deleted "any individual expenditure that is more than the threshold level established in the Internal Revenue Code of 1986, as amended, that must be reported separately to claim a business expense deduction, as published by the secretary of state, shall be identified by amount, date, purpose, type of expenditure and name of the person who received or was benefited by the expenditure; provided"; added new Subsection D and redesignated the succeeding subsections accordingly; in Subsection E, Paragraph (1), after "by", added "11:59 p.m. on", in Paragraph (2), after the semicolon, deleted "and", in Paragraph (3), after "by", deleted "May 1" and added "11:59 p.m. on the first Wednesday after the first Monday in May", after "incurred through", deleted "April 25" and added "the first Monday in May", and after the semicolon, added "and", and added new Paragraph (4); in Subsection H, added the second sentence; and in Subsection I, in the third sentence, after "addresses", added "employers".

**The 2015 amendment**, effective June 19, 2015, amended the reporting requirements for each lobbyist and lobbyist's employer; in the introductory paragraph of Subsection A, after the second occurrence of "secretary of state", added "and published by the secretary of state in accordance with Section 2-11-7 NMSA 1978"; in Subsection A, Paragraph (1), after "incurred", deleted "separated into categories that identify the total separate amounts spent on" and added "by the employer or lobbyist during the covered reporting period indicating the amount spent and a description of the expenditure. The list shall be separated into the following categories"; in Subsection G, deleted "Any" and added "A", after "provisions of", deleted "the Lobbyist Regulation Act" and added "this section"; and in Subsection H, after "individual who", deleted "holds himself out" and added "makes any representation", and after "as" added "being".

**The 2005 amendment**, effective June 17, 2005, deleted the former provision in Subsection B, which provided that the report shall be subscribed and sworn to in an independent affidavit that shall be delivered to the secretary of state within forty-eight hours after the expenditure report is electronically filed, and also provided that the report shall be electronically authenticated using an electronic signature and that a report that is electronically authenticated shall be deemed to have been subscribed and sworn to by the lobbyist or lobbyist's employer.

**The 1997 amendment**, effective June 20, 1997, substituted "forty-eight hours" for "ten days after a legislative session ends" and made a minor stylistic change in Paragraph D(2) and substituted "through April 25 of the current year and not previously reported" for "since the January filing" in Paragraph D(3).

**The 1995 amendment**, effective June 16, 1995, substituted "report" for "statement" in the section heading; in Subsection A, inserted "an expenditure report" and the language beginning "or in an" and ending "shall include" in the introductory language, deleted a provision relating to dating contributions made by mail in Paragraph (2), and inserted "and the amounts of their separate political contributions" following "contributors" in Paragraph (3); added Subsection B and redesignated the remaining subsections accordingly; in Subsection D, deleted "semiannually" following "filed" and rewrote Paragraphs (1), (2), and (3); in Subsection F, added "records" following "preserve all" and substituted "report" for "statement" near the end of the first sentence; and in Subsection H, deleted "and expenditures" following "contributors" and made a minor stylistic change.

**The 1994 amendment**, effective May 18, 1994, in Subsection A, deleted "a ballot issue or" following "public office," and inserted "or in support of or in opposition to a ballot issue or pending legislation or official action" near the end of the introductory paragraph; and added Paragraph A(3) and Subsection G.

**The 1993 amendment**, effective July 1, 1993, rewrote this section to the extent that a detailed comparison is impracticable.

**The state ethics commission has jurisdiction to enforce the registration and reporting requirements of the Lobbyist Regulation Act against all "persons," both individuals and organizations.** — Where petitioner conducted a digital lobbying advertising campaign, spending \$36,000 on that campaign and then registering with the secretary of state, as required by the Lobbyist Regulation Act (LRA), 2-11-6(I) NMSA 1978, and filing the required expenditure report, but failing to list the identity of the contributors to its advertising campaign, the amounts contributed by each, and each contributor's address and employment, and where, in response to a complaint filed with the state ethics commission (commission) alleging that petitioner violated 2-11-6(I) NMSA 1978, petitioner filed a motion to dismiss, claiming that the commission did not have jurisdiction to enforce 2-11-6(I) NMSA 1978, and where, following a hearing officer's denial of petitioner's motion to dismiss, petitioner filed a verified petition for writ of mandamus with the district court, asking the district court to issue its writ ordering the

commission to cease all proceedings against petitioner and to dismiss the complaint for lack of jurisdiction, claiming that 10-16G-9(A) NMSA 1978 of the State Ethics Commission Act limited the commission's jurisdiction to an individual who is a "lobbyist" or to that "lobbyist's employer," as defined by 2-11-2(E) NMSA 1978 and 2-11-2(F) NMSA 1978, respectively, the district court erred in concluding that the commission lacked jurisdiction to proceed, because the sole issue before the commission was whether an organization which engages in a lobbying advertising campaign is a "person" within the commission's enforcement jurisdiction, and by using the word "person" in the State Ethics Commission Act (ECA) to define the term "lobbyist," the legislature intended to include organizations, associations, and other legal or commercial entities within the definition of "lobbyists." Individuals and organizations that are required by any provision of the LRA to register with the secretary of state, are "lobbyists," as the ECA defines the term, and therefore the legislature granted the commission jurisdiction to enforce the registration and reporting requirements of the LRA against all "persons," both individuals and organizations, that are required by the terms of the LRA to register with the secretary of state. *N.M. Fams. Forward v. N.M. State Ethics Comm'n*, 2025-NMCA-016, cert. denied.

**Energy company's payment of legislators' expenses incidental to an educational tour must be reported as a lobbyist expenditure.** — Payments for expenses related to a series of educational programs for members of the New Mexico legislature, from an energy company that is proposing to build a nuclear waste storage facility in southeastern New Mexico, are required to be reported by the energy company in a filing with the secretary of state, because 2-11-6(A) NMSA 1978 requires each lobbyist's employer who makes or incurs expenditures for the benefit of a state legislator that is involved in an official action affecting the lobbyist's employer, or in support of or in opposition to pending legislation or official action, to file an expenditure report with the secretary of state. 2020 Op. Ethics Comm'n No. 2020-03.

**The Lobbyist Regulation Act does not limit communications between a legislator and a lobbyist.** — The Lobbyist Regulation Act, 2-11-1 to 2-11-10 NMSA 1978, requires lobbyists to make certain financial disclosures as well as disclosures regarding the matters in reference to which they are lobbying, but the Lobbyist Regulation Act does not constrain any communications between a legislator and a lobbyist employed by an entity that contracts with or employs the legislator, nor does it constrain communications between a legislator and the board members or employees of an entity that employs or contracts with the legislator. 2022 Op. Ethics Comm'n No. 2022-06.

**An organization's reception for legislators that includes incidental mention of legislation by speakers does not violate the New Mexico lobbying regulations.** — A reception hosted by an organization for legislators that is designed to provide informational speakers is more akin to a social event, but if the expenditures of the reception are in support of or in opposition to pending legislation or official action consistent with the organization's legislative platform, the organization may be required to file an expenditure report to that effect. If individual members of the organization independently speak with legislators regarding specific legislation, they may also have

registration or reporting requirements if they meet the definition of lobbyists. However, if the members approach the legislators on their own behalf, rather than acting to advance the organization's official legislative agenda, they would fall under an exception to the definition of "lobbyists". 2025 Op. Ethics Comm'n No. 2025-06.

## **2-11-7. Registration and expenditure report; preservation as public record; online reports.**

A. Each registration and expenditure report as required by the Lobbyist Regulation Act shall be archived and accessible on the secretary of state's lobbyist disclosure website for a period of at least ten years from the date of filing as a public record, open to public inspection at any reasonable time. Unless an action or prosecution is pending that requires preserving the report, it may be destroyed ten years after the date of filing.

B. Lobbyist registrations and expenditure reports shall be kept and maintained on the secretary of state's lobbyist disclosure website and shall be available in searchable and downloadable formats.

C. With respect to the secretary of state's lobbyist disclosure website, all items in the records shall be easily searchable, sortable and downloadable by the public to the extent technically practicable.

D. The secretary of state shall ensure that contributions reported by persons pursuant to the Lobbyist Regulation Act are reported in a manner that is nonduplicative and as consistent as practicable with the reporting requirements of the Campaign Reporting Act [1-19-25 to 1-19-36 NMSA 1978]. To the extent possible, the electronic reporting system used for registration and reporting required by the Lobbyist Regulation Act shall be integrated with the electronic reporting system used for compliance with the Campaign Reporting Act.

E. Reporting individuals under the Campaign Reporting Act shall receive automatic electronic notice of the contributions to them reported by lobbyists and lobbyists' employers within twenty-four hours of the filing of each expenditure report.

**History:** 1953 Comp., § 2-13-7, enacted by Laws 1977, ch. 261, § 7; 1993, ch. 46, § 22; 2015, ch. 56, § 3; 2016, ch. 13, § 4.

### **ANNOTATIONS**

**Cross references.** — For inspection of public records, see 14-2-1 NMSA 1978 et seq.

For the Public Records Act, see Chapter 14, Article 3 NMSA 1978.

**The 2016 amendment**, effective December 15, 2017, established additional requirements for the secretary of state in maintaining reporting records, and provided for automatic electronic notice of contributions to reporting individuals; in the heading, after

"expenditure", deleted "statement" and added "report"; in Subsection A, after "expenditure", deleted "statement" and added "report"; in Subsection B, after "expenditure", deleted "statements" and added "reports", and after "formats.", deleted "The secretary of state shall update the web site no less than monthly throughout the year and as expeditiously as possible when the legislature is in session."; in Subsection C, deleted "For the purposes of this section, 'accessible' means", after "all", added "items in the", after "records", deleted "are" and added "shall be", and after "downloadable by the public", added "to the extent technically practicable"; and added new Subsections D and E.

**The 2015 amendment**, effective June 19, 2015, required lobbyist registration and expenditure statements to be posted online on the secretary of state's web site; in the catchline, added "online reports"; designated the existing language in the section as Subsection A; in Subsection A, after "shall be", deleted "preserved by" and added "archived and accessible on", after "secretary of", deleted "state" and added "state's lobbyist disclosure web site", after "period of", deleted "two" and added "at least ten", and after "destroyed", deleted "two" and added "ten"; and added Subsections B and C.

**The 1993 amendment**, effective July 1, 1993, substituted "expenditure statement" for "statement of expenditures" in the section heading and in the first sentence; deleted "lobbyist's" preceding "registration" in the first sentence; and added the second sentence.

## **2-11-8. Contingent fees prohibited in lobbying the legislative branch of state government.**

No person shall accept employment as a lobbyist and no lobbyist's employer shall employ a lobbyist for compensation contingent in whole or in part upon the outcome of the lobbying activities before the legislative branch of state government or the approval or veto of any legislation by the governor.

**History:** 1953 Comp., § 2-13-8, enacted by Laws 1977, ch. 261, § 8.

### **ANNOTATIONS**

**Section does not abrogate common law prohibition of contingency-fee agreements for legislative lobbying.** — Where a lobbyist brought an action against the seller of construction equipment, alleging that the seller breached an agreement under which the lobbyist would assist the seller in securing approval of industrial revenue bonds from the county in exchange for a portion of the seller's property tax savings from those industrial revenue bonds, and where the seller moved for summary judgment, arguing that the contingency-fee agreement was unenforceable as in contravention of New Mexico's public policy, and where the lobbyist claimed that the state legislature abrogated the common law's prohibition of contingency-fee agreements for legislative lobbying by adopting § 2-11-8 NMSA 1978, the district court did not err in granting the seller's motion for summary judgment, because in the absence of explicit

statutory abrogation, the common law continues to prohibit enforcement of contingency-fee agreements for legislative lobbying. *Midway Leasing, Inc. v. Wagner Equip. Co.*, 842 Fed.Appx. 209 (10th Cir. 2021), *aff'g* 356 F. Supp. 3d 1207 (D. N.M. 2018).

**Agreement in contravention of state's public policy against lobbying pursuant to contingent fee agreement.** — Where a real estate developer brought an action against the seller of construction equipment, alleging that the seller breached an agreement under which the developer would assist the seller in securing approval of industrial revenue bonds from the county in exchange for a portion of the seller's property tax savings from those industrial revenue bonds, and where the seller moved for summary judgment, arguing that the alleged agreement was unenforceable as in contravention of New Mexico's public policy, it was held that although this section only prohibits contingent fee agreements for lobbying before the state legislature or governor, the public policy expressed in this section by the New Mexico legislature voids the contingency fee agreement for lobbying before the county commission at issue here. All agreements whose object or tendency is to improperly interfere with or influence legislative action are contrary to public policy and void. *Midway Leasing, Inc. v. Wagner Equipment Co.*, 356 F. Supp.3d 1207 (D. N.M. 2018).

### **2-11-8.1. Restrictions on campaign activities and contributions.**

A. A lobbyist shall not serve as a campaign chair, treasurer or fundraising chair for a candidate for the legislature or other state office.

B. It is unlawful during the prohibited period, as that term is defined in Section 1-19-34.1 NMSA 1978, for any lobbyist or lobbyist's employer to contribute to or act as an agent or intermediary for political contributions to or arrange for the making of political contributions to the campaign funds of any statewide elected official or legislator or any candidate for those offices.

**History:** 1978 Comp., § 2-11-8.1, enacted by Laws 1993, ch. 46, § 23; 1995, ch. 153, § 21; 2016, ch. 13, § 5; 2023, ch. 39, § 89.

### **ANNOTATIONS**

**The 2023 amendment**, effective June 16, 2023, removed a provision defining "prohibited period" and provided that the term "prohibited period" shall be used as it is defined in Section 1-19-34.1 NMSA 1978; in Subsection A, deleted "No" and added "A", and after "lobbyist", deleted "may" and added "shall not"; in Subsection B, after "prohibited period", added "as that term is defined in Section 1-19-34.1 NMSA 1978"; and deleted Subsection C.

**The 2016 amendment**, effective July 1, 2016, made gender-neutral amendments and other minor changes in language; in Subsection A, after "campaign", deleted "chairman" and added "chair", after "fundraising", deleted "chairman" and added "chair", and after "legislature or", deleted "a statewide" and added "other state".

**The 1995 amendment**, effective June 16, 1995, designated a portion of Subsection C as Paragraph (2), added "for the governor or candidate for governor" in that paragraph, and added Paragraph (1).

**Contributions to candidates for federal office.** — The prohibition against legislative session fund raising in Section 2-11-8.1 NMSA 1978 does not apply to contributions to candidates for federal office based on the doctrine of federal preemption and because Section 2-11-8.1 NMSA 1978 does not regulate contributions to candidates for federal office. 2007 Op. Att'y Gen. No. 07-01.

## **2-11-8.2. Compliance with act; enforcement of act; civil penalties.**

A. The secretary of state shall advise and seek to educate all persons required to perform duties pursuant to the Lobbyist Regulation Act of those duties. This includes advising all registered lobbyists at least annually of the Lobbyist Regulation Act's deadlines for submitting required reports. The state ethics commission, in consultation with the secretary of state, shall issue advisory opinions, when requested to do so in writing, on matters concerning the Lobbyist Regulation Act.

B. The secretary of state may conduct examinations of reports and the state ethics commission may initiate investigations to determine whether the Lobbyist Regulation Act has been violated. Any person who believes that a provision of the Lobbyist Regulation Act has been violated may file a written complaint with the state ethics commission pursuant to the terms of the State Ethics Commission Act [Chapter 10, Article 16G NMSA 1978]. If the commission has jurisdiction for the complaint, the state ethics commission shall refer the complaint to the secretary of state. Upon referral, the secretary of state shall attempt to achieve voluntary compliance with the Lobbyist Regulation Act. Within twenty days after receiving the complaint from the state ethics commission, the secretary of state shall return the complaint to the state ethics commission and certify to the state ethics commission whether voluntary compliance was achieved. If the secretary of state certifies voluntary compliance, the state ethics commission shall dismiss the complaint or that part of the complaint alleging a violation of the Lobbyist Regulation Act. If the secretary of state does not certify voluntary compliance, the state ethics commission shall proceed with the complaint pursuant to the terms of the State Ethics Commission Act.

C. The secretary of state and the state ethics commission shall at all times seek to ensure voluntary compliance with the provisions of the Lobbyist Regulation Act. Additionally, the state ethics commission shall give a person who violates that act unintentionally or for good cause ten days' notice to come into compliance before the commission takes any action on a complaint filed with or referred to the commission against that person.

D. Any person who fails to file or files a report after the deadline imposed by the Lobbyist Regulation Act shall be liable for and shall pay to the secretary of state fifty dollars (\$50.00) per day for each regular working day after the time required for the filing

of the report until the complete report is filed, up to a maximum of five thousand dollars (\$5,000).

E. If the secretary of state determines that a reporting entity subject to the reporting provisions of the Lobbyist Regulation Act has failed to file or has filed a report after the deadline, the secretary of state shall by written notice set forth the violation and the fine that may be imposed and inform the reporting individual that the individual has ten working days from the date of the letter to come into voluntary compliance and to provide a written explanation, under penalty of perjury, stating any reason why the violation occurred. If a timely explanation is filed and the secretary of state determines that good cause exists to waive the imposition of a fine, the secretary of state may by a written notice of final action partially or fully waive the imposition of a fine for any late report or statement of no activity. A written notice of final action shall be sent by certified mail. The secretary of state may file an appropriate court action to remit outstanding fines for good cause or refer unpaid fines for enforcement pursuant to Subsection F of this section.

F. The secretary of state may refer a matter to the state ethics commission for a civil injunctive or other appropriate order or enforcement.

**History:** 1953 Comp., § 2-13-4, enacted by Laws 1977, ch. 261, § 4; amended and recompiled as § 2-11-8.2 NMSA 1978 by Laws 1993, ch. 46, § 24; 1995, ch. 153, § 22; 1997, ch. 112, § 7; 2021, ch. 109, § 10.

## ANNOTATIONS

**The 2021 amendment**, effective July 1, 2021, revised administrative and enforcement duties of the state ethics commission and the secretary of state under the Lobbyist Regulation Act, removed provisions related to binding arbitration following a notice of final action, required the state ethics commission to give a person who violates the Lobbyist Regulation Act ten days' notice to come into compliance before the commission takes any action, and removed provisions allowing the secretary of state to refer violations of the Lobbyist Regulation Act to the attorney general or a district attorney for enforcement, and instead authorized the secretary of state to refer matters to the state ethics commission for a civil injunction or other appropriate order or enforcement; in the section heading, after "enforcement of act", deleted "binding arbitration"; in Subsection A, after the second occurrence of "The", deleted "secretary of state, in consultation with the attorney general" and added "state ethics commission, in consultation with the secretary of state", and deleted "All prescribed forms prepared shall be clear and easy to complete."; deleted former Subsection B and added a new Subsection B; in Subsection C, after "The secretary of state", added "and the state ethics commission", and added "Additionally, the state ethics commission shall give a person who violates that act unintentionally or for good cause ten days' notice to come into compliance before the commission takes any action on a complaint filed with or referred to the commission against that person." and deleted the remainder of the subsection; deleted former Subsections D through F and redesignated former

Subsection G as Subsection D; added a new Subsection E and redesignated former Subsection H as Subsection F; and in Subsection F, after "refer a matter to the", added "state ethics commission," and deleted "attorney general or a district attorney".

**The 1997 amendment**, effective June 20, 1997, rewrote Subsections D, E, and F.

**The 1995 amendment**, effective June 16, 1995, inserted "a provision of that" in the second sentence of Subsection B; rewrote Subsections C, D, and E; in Subsection F, inserted "impose any penalty and" in the first sentence and "and filed with the secretary of state" in the third sentence; and in Subsection G, deleted "statement or" preceding "report" in three places and deleted "at or from the time initially required for the filing".

**The 1993 amendment**, effective July 1, 1993, rewrote this section to the extent that a detailed comparison is impracticable.

### **2-11-8.3. State ethics commission; jurisdiction.**

A. The state ethics commission shall have jurisdiction to investigate and adjudicate a complaint alleging a civil violation of a provision of the Lobbyist Regulation Act in accordance with the provisions of that act.

B. The secretary of state shall forward complaints it receives alleging violations of the Lobbyist Regulation Act to the state ethics commission in accordance with the Lobbyist Regulation Act and a formalized agreement.

**History:** Laws 2019, ch. 86, § 21; 2021, ch. 109, § 11.

#### **ANNOTATIONS**

**The 2021 amendment**, effective July 1, 2021, revised duties of the state ethics commission, and removed a provision requiring the state ethics commission and the secretary of state to make recommendations to the legislature on any necessary changes to the Lobbyist Regulation Act; deleted "On and after the January 1, 2020" and redesignated former Paragraphs A(1) and A(2) as Subsections A and B, respectively; in Subsection B, after "The", deleted "state ethics commission shall share jurisdiction to investigate and adjudicate complaints, or any aspect of a complaint, with the secretary of state as formalized through an agreement. The", and after "state ethics commission in accordance with the", added "Lobbyist Regulation Act and a formalized"; and deleted former Subsection B.

**The state ethics commission has jurisdiction to enforce the registration and reporting requirements of the Lobbyist Regulation Act against all "persons," both individuals and organizations.** — Where petitioner conducted a digital lobbying advertising campaign, spending \$36,000 on that campaign and then registering with the secretary of state, as required by the Lobbyist Regulation Act (LRA), 2-11-6(I) NMSA 1978, and filing the required expenditure report, but failing to list the identity of the

contributors to its advertising campaign, the amounts contributed by each, and each contributor's address and employment, and where, in response to a complaint filed with the state ethics commission (commission) alleging that petitioner violated 2-11-6(I) NMSA 1978, petitioner filed a motion to dismiss, claiming that the commission did not have jurisdiction to enforce 2-11-6(I) NMSA 1978, and where, following a hearing officer's denial of petitioner's motion to dismiss, petitioner filed a verified petition for writ of mandamus with the district court, asking the district court to issue its writ ordering the commission to cease all proceedings against petitioner and to dismiss the complaint for lack of jurisdiction, claiming that 10-16G-9(A) NMSA 1978 of the State Ethics Commission Act limited the commission's jurisdiction to an individual who is a "lobbyist" or to that "lobbyist's employer," as defined by 2-11-2(E) NMSA 1978 and 2-11-2(F) NMSA 1978, respectively, the district court erred in concluding that the commission lacked jurisdiction to proceed, because the sole issue before the commission was whether an organization which engages in a lobbying advertising campaign is a "person" within the commission's enforcement jurisdiction, and by using the word "person" in the State Ethics Commission Act (ECA) to define the term "lobbyist," the legislature intended to include organizations, associations, and other legal or commercial entities within the definition of "lobbyists." Individuals and organizations that are required by any provision of the LRA to register with the secretary of state, are "lobbyists," as the ECA defines the term, and therefore the legislature granted the commission jurisdiction to enforce the registration and reporting requirements of the LRA against all "persons," both individuals and organizations, that are required by the terms of the LRA to register with the secretary of state. *N.M. Fams. Forward v. N.M. State Ethics Comm'n*, 2025-NMCA-016, cert. denied.

## **2-11-9. Penalties.**

In addition to any other penalties that may be assessed, any person who knowingly and willfully violates any of the provisions of the Lobbyist Regulation Act shall be punished by a fine of up to five thousand dollars (\$5,000) and may have his lobbyist registration revoked or his lobbying activities enjoined for up to three years.

**History:** 1953 Comp., § 2-13-9, enacted by Laws 1977, ch. 261, § 9; 1993, ch. 46, § 25.

### **ANNOTATIONS**

**The 1993 amendment**, effective July 1, 1993, rewrote this section which read "Any person who knowingly violates any of the provisions of the Lobbyist Regulation Act is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000)."

## **2-11-10. Rulemaking authority.**

The secretary of state may promulgate rules to implement the provisions of the Lobbyist Regulation Act. In promulgating the rules, the secretary of state shall comply with the provisions of the State Rules Act [Chapter 14, Article 4 NMSA 1978].

**History:** Laws 2021, ch. 109, § 20.

#### ANNOTATIONS

**Effective dates.** — Laws 2021, ch. 109, § 23 made Laws 2021, ch. 109, § 20 effective July 1, 2021.

## ARTICLE 12 Oversight Committees

### 2-12-1 to 2-12-4. Repealed.

#### ANNOTATIONS

**Repeals.** — Laws 2003, ch. 223, § 3, effective June 20, 2003, repealed 2-12-1 to 2-12-4 NMSA 1978, relating to industrial and agricultural finance authority oversight committee. For provisions of former sections, see the 2002 NMSA 1978 on the *NMOneSource.com*.

### 2-12-5. Mortgage Finance Authority Act oversight committee; powers and duties.

The Mortgage Finance Authority Act oversight committee created by the provisions of Subsection W of Section 58-18-5 NMSA 1978 shall have the power to:

A. determine and monitor the actual distribution of funds derived by the authority from bond issues and other activities of the authority under the provisions of the Mortgage Finance Authority Act [Chapter 58, Article 18 NMSA 1978], both on a geographical basis and on the basis of the actual distribution to participants in its programs;

B. monitor the authority in its control of the issuance of mortgage commitments;

C. meet on a regular basis to receive and evaluate periodic reports from the authority as to its enforcement of the provisions of the Mortgage Finance Authority Act and the regulations adopted pursuant thereto; and

D. require the authority to document the need to the oversight committee regarding the issuance of any bonds.

**History:** 1978 Comp., § 58-18-5.1, enacted by Laws 1981, ch. 173, § 1; recompiled as 1978 Comp., § 2-12-5.

### 2-12-6 to 2-12-10. Repealed.

## ANNOTATIONS

**Repeals.** — Laws 2003, ch. 223, § 3 repealed 2-12-6 to 2-12-10 NMSA 1978, relating to the DWI oversight task force, effective June 20, 2003. For provisions of former sections, see the 2002 NMSA 1978 on *NMOneSource.com*.

## ARTICLE 13

### Legislative Health and Human Services Committee

#### 2-13-1. Creation of committee; members; appointment; terms.

There is created a permanent joint interim committee of the legislature to be called the "legislative health and human services committee". The committee shall be composed of eight members. The legislative council shall appoint four members from the house of representatives and four members from the senate. At the time of making the appointment, the legislative council shall designate the chairman and vice chairman of the committee. Members shall be appointed so as to give the two major political parties in each house the same proportionate representation on the committee as prevails in each house; provided, in no event shall either of such parties have less than one member from each house on the committee. Members may be removed from the committee by the legislative council, at the request of the committee chairman, for nonattendance according to council policy. Vacancies on the committee, however caused, may be filled by the legislative council, or the council may reduce the size of the committee by not making replacement appointments and in such case need not readjust party representation. No action shall be taken by the committee if a majority of the total membership from either house on the committee rejects such action.

**History:** Laws 1989, ch. 349, § 1.

## ANNOTATIONS

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 72 Am. Jur. 2d States, Territories, and Dependencies §§ 51 to 54.

81A C.J.S. States § 55.

#### 2-13-2. Duties of the committee.

The committee shall conduct a continuing study of the programs, agencies, policies, issues and needs relating to health and human services including review and study of the statutes, constitutional provisions, regulations and court decisions governing such programs, agencies and issues. The committee shall also study the full continuum of programs and services available and needed for children, families and the aging population. The committee shall make an annual report of its findings and

recommendations and recommend any necessary legislation to each session of the legislature.

**History:** Laws 1989, ch. 349, § 2.

## **ANNOTATIONS**

**Temporary provisions.** — Laws 2007, ch. 114, § 1, effective June 15, 2007, established a task force to design cultural competence curricula for each health-related education field offered in New Mexico's public post-secondary educational institutions.

### **2-13-3. Subcommittees.**

Subcommittees shall be created only by majority vote of all members appointed to the committee and with the prior approval of the legislative council. A subcommittee shall be composed of at least one member from the senate and one member from the house of representatives, and at least one member of the minority party shall be a member of the subcommittee. All meetings and expenditures of a subcommittee shall be approved by the full committee in advance of such meeting or expenditure, and the approval shall be shown in the minutes of the committee.

**History:** Laws 1989, ch. 349, § 3.

#### **2-13-3.1. Disabilities concerns subcommittee created; membership; appointment; duties; report.**

A. The "disabilities concerns subcommittee" is created as a permanent subcommittee of the legislative health and human services committee. The subcommittee shall be composed of six members. The New Mexico legislative council shall appoint three members from the house of representatives and three members from the senate. At the time of making the appointments, the legislative council shall designate the chair of the subcommittee. Members shall be appointed so as to give the two major political parties in each house the same proportionate representation on the committee as prevails in each house; provided that in no event shall either of such parties have less than one member from each house on the subcommittee.

B. Members of the disabilities concerns subcommittee may be removed from the subcommittee by the legislative council, at the request of the subcommittee chair, for nonattendance according to legislative council policy. Vacancies on the subcommittee, however caused, may be filled by the legislative council, or the legislative council may reduce the size of the subcommittee by not making replacement appointments and, in such case, need not readjust party representation. No action shall be taken by the subcommittee if a majority of the total membership from either house on the subcommittee rejects such action.

C. The disabilities concerns subcommittee shall conduct a continuing study of the programs, agencies, policies, issues and needs relating to individuals with disabilities, including review and study of the statutes, constitutional provisions, regulations and court decisions governing these programs, agencies and issues. The subcommittee shall also study the full continuum of programs and services available and needed for individuals with disabilities.

D. By October 1 of each year, the subcommittee shall make a report of its findings and recommendations and recommend any necessary legislation to the legislative health and human services committee.

**History:** Laws 2010, ch. 24, § 1.

## **ANNOTATIONS**

**Effective dates.** — Laws 2010, ch. 24 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective May 19, 2010, 90 days after the adjournment of the legislature.

### **2-13-4. Report.**

The committee shall make a report of its findings and recommendations for the consideration of each session of the legislature. The report and suggested legislation shall be made available to the legislative council on or before December 15 preceding each session.

**History:** Laws 1989, ch. 349, § 4.

### **2-13-5. Staff.**

The staff for the committee shall be provided by the legislative council service.

**History:** Laws 1989, ch. 349, § 5.

## **ARTICLE 14**

### **Interim Activities of Chief Clerks of House of Representatives and Senate**

#### **2-14-1. Legislative findings.**

The legislature finds that the administration of the legislative branch of state government is becoming increasingly complex. This complexity and the ever-increasing demands on legislative officials necessitate maintaining during the interim the offices of

chief clerk of the house of representatives and chief clerk of the senate with necessary support staff.

**History:** 1978 Comp., § 2-14-1, enacted by Laws 1993, ch. 3, § 1.

## **2-14-2. Chief clerks; interim activities authorized.**

A. The chief clerk of the house of representatives and other necessary support staff, not to exceed five full-time equivalents, including the chief clerk, are authorized to operate during the interim between regular legislative sessions to provide support to members of the house of representatives.

B. The chief clerk of the senate and other necessary support staff, not to exceed five full-time equivalents, including the chief clerk, are authorized to operate during the interim between regular legislative sessions to provide support to members of the senate.

C. During the interim, the chief clerks shall report to the legislative council. In addition to the duties established in Section 2-14-3 NMSA 1978, the legislative council may establish other interim duties for the chief clerks. Except as provided in Section 2-14-3 NMSA 1978, any duty established by the legislative council shall not overlap or conflict with any duty established for the legislative council service, the legislative education study committee, the legislative finance committee or any other committee created by statute or by the legislative council.

**History:** 1978 Comp., § 2-14-2, enacted by Laws 1993, ch. 3, § 2.

## **2-14-3. Interim duties of the chief clerks.**

During the interim, the chief clerks elected by the house of representatives and the senate shall perform the following duties:

A. perform clerical duties, including assistance with general correspondence, within guidelines of the legislative council;

B. conduct pre-session training for the staffs of the respective houses;

C. perform pre-session duties necessary to assist the legislature in preparing for session in accordance with directions of the legislative council and in coordination with the legislative council service;

D. perform routine legislative requests for constituents regarding the availability of and access to existing programs and services of state government within guidelines established by the legislative council;

E. maintain accurate inventories of the property of the respective houses in cooperation with the legislative council service;

F. perform public outreach functions necessary to educate the public about the legislature and the respective houses, including coordinating with the state department of public education and post-secondary educational institutions on educational program development regarding the legislative branch of government;

G. serve on the coordinating group of the integrated legislative information system; and

H. receive requests from members of the house of representatives or senate for changes affecting the members' office spaces in the state capitol prior to the request being presented to the building subcommittee of the legislative council.

**History:** 1978 Comp., § 2-14-3, enacted by Laws 1993, ch. 3, § 3.

#### **2-14-4. Partisan political activities; prohibition.**

The chief clerks and their respective staffs shall not engage in partisan political activity during the course or in the performance of their duties.

**History:** 1978 Comp., § 2-14-4, enacted by Laws 1993, ch. 3, § 4.

## **ARTICLE 15**

### **Legislative Ethics**

#### **2-15-1. Repealed.**

**History:** Laws 1993, ch. 46, § 46; repealed by Laws 2019, ch. 86, § 39.

#### **ANNOTATIONS**

**Repeals.** — Laws 2019, ch. 86, § 39 repealed 2-15-1 NMSA 1978, as enacted by Laws 1993, ch. 46, § 46, relating to governmental ethics oversight committee created, termination, effective June 14, 2019. For provisions of former section, see the 2018 NMSA 1978 on *NMOneSource.com*.

#### **2-15-2. Repealed.**

**History:** Laws 1993, ch. 46, § 47; repealed by Laws 2019, ch. 86, § 39.

#### **ANNOTATIONS**

**Repeals.** — Laws 2019, ch. 86, § 39 repealed 2-15-2 NMSA 1978, as enacted by Laws 1993, ch. 46, § 47, relating to membership, appointment, vacancies, effective June 14, 2019. For provisions of former section, see the 2018 NMSA 1978 on *NMOneSource.com*.

### **2-15-3. Repealed.**

**History:** Laws 1993, ch. 46, § 48; repealed by Laws 2019, ch. 86, § 39.

#### **ANNOTATIONS**

**Repeals.** — Laws 2019, ch. 86, § 39 repealed 2-15-3 NMSA 1978, as enacted by Laws 1993, ch. 46, § 48, relating to powers and duties, effective June 14, 2019. For provisions of former section, see the 2018 NMSA 1978 on *NMOneSource.com*.

### **2-15-4. Repealed.**

**History:** Laws 1993, ch. 46, § 49; repealed by Laws 2019, ch. 86, § 39.

#### **ANNOTATIONS**

**Repeals.** — Laws 2019, ch. 86, § 39 repealed 2-15-4 NMSA 1978, as enacted by Laws 1993, ch. 46, § 49, relating to subcommittees, effective June 14, 2019. For provisions of former section, see the 2018 NMSA 1978 on *NMOneSource.com*.

### **2-15-5. Repealed.**

**History:** Laws 1993, ch. 46, § 50; repealed by Laws 2019, ch. 86, § 39.

#### **ANNOTATIONS**

**Repeals.** — Laws 2019, ch. 86, § 39 repealed 2-15-5 NMSA 1978, as enacted by Laws 1993, ch. 46, § 50, relating to report, effective June 14, 2019. For provisions of former section, see the 2018 NMSA 1978 on *NMOneSource.com*.

### **2-15-6. Repealed.**

**History:** Laws 1993, ch. 46, § 51; repealed by Laws 2019, ch. 86, § 39.

#### **ANNOTATIONS**

**Repeals.** — Laws 2019, ch. 86, § 39 repealed 2-15-6 NMSA 1978, as enacted by Laws 1993, ch. 46, § 46, relating to governmental ethics oversight committee created, termination, effective June 14, 2019. For provisions of former section, see the 2018 NMSA 1978 on *NMOneSource.com*.

## **2-15-7. Interim legislative ethics committee; creation; appointment.**

A. An interim legislative ethics committee, appointed by the legislative council, is created. Members of the legislative council shall be allowed to serve on the interim legislative ethics committee.

B. All matters arising in the interim pertaining to legislative ethics shall be referred to this special interim legislative ethics committee.

C. The committee shall be appointed by the New Mexico legislative council so as to give the two major political parties in each house equal representation on the committee. In appointing the members to the committee, the legislative council shall adopt the recommendations of the respective floor leaders of each house.

D. The New Mexico legislative council shall name the interim ethics committee at the beginning of each interim, but shall convene the committee only upon the receipt of a complaint, a request for an advisory opinion or a referral.

**History:** Laws 1993, ch. 46, § 52.

## **2-15-8. Interim legislative ethics committee; duties.**

A. The interim legislative ethics committee is authorized to:

(1) issue advisory opinions on the interpretation and enforcement of ethical principles as applied to the legislature and that are not under the jurisdiction of the state ethics commission;

(2) investigate complaints from another member of the legislature or a member of the public alleging misconduct of a legislator;

(3) investigate referrals made to the co-chairs of the New Mexico legislative council from the state ethics commission, the attorney general, the secretary of state or a district attorney;

(4) hire special counsel, arbitrators or independent hearing officers as necessary; and

(5) make recommendations to the respective houses regarding proposed sanctions for ethical misconduct.

B. The interim legislative ethics committee shall issue an annual report no later than the first day of May of each year regarding its activities during the previous twelve months, including a listing of the number of complaints received, the disposition of the complaints that have been resolved and the advisory opinions issued.

C. The interim legislative ethics committee shall maintain a web page on the legislature's website.

**History:** Laws 1993, ch. 46, § 53; 2019, ch. 86, § 22.

### **ANNOTATIONS**

**The 2019 amendment**, effective January 1, 2020, specified that the interim legislative ethics committee is authorized to issue advisory opinions on the interpretation and enforcement of ethical principles as applied to the legislature that are not under the jurisdiction of the state ethics commission, and required the interim legislative ethics committee to issue an annual report and to maintain a web page on the legislature's website; added new subsection designation "A" and redesignated former Subsections A through E as Paragraphs A(1) through A(5), respectively; in Paragraph A(1) added "and that are not under the jurisdiction of the state ethics commission", in Paragraph A(3), after "legislative council from the", added "state ethics commission, the", in Paragraph A(4), after "special counsel", added "arbitrators", in Paragraph A(5), after "respective houses", deleted "by the end of the first full week of the next convened regular session"; and added new Subsections B and C.

### **2-15-9. Interim legislative ethics committee; procedures; confidentiality.**

A. Except as provided in this section, the New Mexico legislative council shall develop procedures to carry out the provisions of this section, in accordance with the existing procedures in the house and senate rules.

B. A member of the interim legislative ethics committee is ineligible to participate in any matter relating directly to that member's conduct. In any such case, a substitute member to the committee shall be appointed from the same house from the same political party by the appropriate appointing authority. A member may seek to be disqualified from any matter brought before the interim legislative ethics committee on the grounds that the member cannot render a fair and impartial decision. Disqualification must be approved by a majority vote of the remaining members of the committee. In any such case, a substitute member to the committee shall be appointed from the same political party as provided in this section.

C. The interim legislative ethics committee is authorized to issue advisory opinions on matters relating to ethical conduct during the interim. Any question relating to the interpretation and enforcement of ethical principles as applied to the legislature may be submitted in writing to the New Mexico legislative council by a legislator describing a real or hypothetical situation and requesting an advisory opinion establishing an appropriate standard of ethical conduct for that situation. The question shall be referred to the interim legislative ethics committee.

D. To initiate any action during the interim on alleged misconduct, any legislator or member of the public may file a written, sworn complaint setting forth, with specificity, the facts alleged to constitute unethical conduct. A complaint shall be filed with the New Mexico legislative council. Upon receipt of the complaint, the co-chairs shall convene the interim legislative ethics committee.

E. The interim legislative ethics committee shall maintain rules of confidentiality unless the legislator against whom a complaint is filed waives the rules or any part of them in writing. The confidentiality rules shall include the following provisions:

(1) the committee and its staff shall not publicly disclose any information relating to the filing or investigation of a complaint, including the identity of the complainant or respondent, until after a finding of probable cause has been made that a violation has occurred;

(2) the identity of the complainant shall be released to the respondent immediately upon request; and

(3) no member of the committee or its staff may knowingly disclose any confidential information except as authorized by the committee.

**History:** Laws 1993, ch. 46, § 54; 2023, ch. 59, § 1.

## **ANNOTATIONS**

**The 2023 amendment**, effective June 16, 2023, removed a confidentiality provision prohibiting a complainant from publicly disclosing any information relating to the filing or investigation of a complaint made to the interim legislative ethics committee alleging misconduct of a legislator; in Subsection B, after the first occurrence of "interim legislative ethics committee", deleted "shall be" and added "is", and after "brought before the", added "interim legislative"; and in Subsection E, Paragraph E(1), deleted "the complainant".

### **2-15-10. Criminal sanctions.**

If the interim legislative ethics committee determines that in addition to recommending that sanctions be imposed by the respective house on the member, the conduct involves criminal activity, the interim ethics committee may refer the matter to the district attorney of the first judicial district, the district attorney of the judicial district where the member resides or the attorney general.

**History:** Laws 1993, ch. 46, § 55.

### **2-15-11. Staff.**

The staff for the interim ethics committee shall be provided by the legislative council service, but the committee is authorized to hire such special counsel or independent hearing officers as necessary to assist the legislative ethics committee when it is convened.

**History:** Laws 1993, ch. 46, § 56.

## **2-15-12. New Mexico legislative council; budget.**

The New Mexico legislative council shall annually provide an amount sufficient to carry out the duties and mandate of the interim [legislative] ethics committee.

**History:** Laws 1993, ch. 46, § 57.

### **ANNOTATIONS**

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.

## **ARTICLE 16**

### **Revenue Stabilization and Tax Policy Committee**

#### **2-16-1. Revenue stabilization and tax policy committee created.**

There is created a permanent joint interim legislative committee which shall be known as the "revenue stabilization and tax policy committee".

**History:** Laws 1994, ch. 90, § 1.

#### **2-16-2. Membership; appointment; vacancies.**

A. The revenue stabilization and tax policy committee shall be composed of eighteen members. Nine members of the house of representatives shall be appointed by the speaker of the house of representatives and nine members of the senate shall be appointed by the committees' committee of the senate or, if the senate appointments are made in the interim, by the president pro tempore of the senate after consultation with and agreement of a majority of the members of the committees' committee.

B. Members shall be appointed from each house so as to give the two major political parties in each house the same proportional representation on the committee as prevails in each house; however, in no event shall either party have less than one member from each house on the committee. Vacancies on the committee shall be filled by appointment in the same manner as the original appointments. If a regular member is going to be absent from a committee meeting, the regular member may designate a legislator from the same house and party to serve in the regular member's place at the

meeting if the member notifies the chairman of the committee of the anticipated absence and notifies the designee at least twenty-four hours before the committee meeting. The regular member shall select the designee from a list of potential designees appointed by the appointing authority for each house. The list shall be maintained in the offices of the legislative council service. The chairman and vice chairman of the committee shall be designated by the New Mexico legislative council.

C. No action shall be taken by the committee if a majority of the total membership from either house on the committee rejects such action.

**History:** Laws 1994, ch. 90, § 2; 2003, ch. 223, § 1.

## **ANNOTATIONS**

**The 2003 amendment**, effective June 20, 2003, inserted "revenue stabilization and tax policy" near the beginning of Subsection A; and in Subsection B, added the last three sentences and substituted "designated by the New Mexico legislative council" for "elected by the committee".

### **2-16-3. Duties.**

After its appointment, the committee shall hold one organizational meeting to develop a workplan and budget for the ensuing interim. The workplan and budget shall be submitted to the legislative council for approval. Upon approval of the workplan and budget by the legislative council, the committee shall examine the statutes, constitutional provisions, regulations and court decisions governing revenue stabilization and tax policy in New Mexico and recommend legislation or changes if any are found to be necessary to each session of the legislature.

**History:** Laws 1994, ch. 90, § 3.

### **2-16-4. Subcommittees.**

Subcommittees shall be created only by majority vote of all members appointed to the committee and with the prior approval of the legislative council. A subcommittee shall be composed of at least one member from the senate and one member from the house of representatives, and at least one member of the minority party shall be a member of the subcommittee. All meetings and expenditures of a subcommittee shall be approved by the full committee in advance of such meeting or expenditure, and the approval shall be shown in the minutes of the committee.

**History:** Laws 1994, ch. 90, § 4.

### **2-16-5. Report.**

The committee shall make a report of its findings and recommendations for the consideration of each session of the legislature. The report and suggested legislation shall be made available to the legislative council on or before December 15 preceding each session.

**History:** Laws 1994, ch. 90, § 5.

## **2-16-6. Staff.**

The staff for the committee shall be provided by the legislative council service.

**History:** Laws 1994, ch. 90, § 6.

# **ARTICLE 17**

## **Welfare Reform Oversight Committee**

### **2-17-1. Welfare reform oversight committee created; termination.**

The joint interim legislative "welfare reform oversight committee" is created. The committee shall function from the date of its appointment until December 15 prior to the first session of the forty-ninth legislature.

**History:** Laws 1998, ch. 8, § 21 and Laws 1998, ch. 9, § 21; 2003, ch. 311, § 1; 2003, ch. 432, § 1.

### **ANNOTATIONS**

**The 2003 amendment**, effective April 10, 2003, substituted "forty-ninth legislature" for "forty-sixth legislature".

Laws 2003, ch. 311, § 1, effective April 8, 2003, and Laws 2003, ch. 432, § 1, effective April 10, 2003, enacted identical amendments to this section. The section was set out as amended by Laws 2003, ch. 432, § 1. See 12-1-8 NMSA 1978.

### **2-17-2. Membership; appointment; vacancies.**

A. The welfare reform oversight committee shall be composed of twelve members. The New Mexico legislative council shall appoint six members from the house of representatives and six members from the senate. At the time of making the appointment, the legislative council shall designate the chairman and vice chairman of the committee.

B. Members shall be appointed from each house so as to give the two major political parties in each house the same proportionate representation on the committee as prevails in each house; however, in no event shall either party have less than one

member from each house on the committee. At the request of the committee chairman, members may be removed from the committee by the New Mexico legislative council for nonattendance according to council policy. Vacancies on the committee, however caused, may be filled by the legislative council, or the council may reduce the size of the committee by not making replacement appointments and in that case need not readjust party representation.

C. An action shall not be taken by the committee if a majority of the total membership from either house on the committee rejects that action.

**History:** Laws 1998, ch. 8, § 22 and Laws 1998, ch. 9, § 22.

### **2-17-3. Duties.**

A. After its appointment, the welfare reform oversight committee shall hold one organizational meeting to develop a work plan and budget for the ensuing interim. The work plan and budget shall be submitted to the New Mexico legislative council for approval. Upon approval of the work plan and budget by the legislative council, the committee shall:

(1) examine the statutes, constitutional provisions and rules governing welfare reform in New Mexico;

(2) monitor and oversee the implementation of the New Mexico Works Act [Chapter 27, Article 2B NMSA 1978];

(3) review issues related to welfare reform, including job training programs and related contracts; cash assistance; child care, transportation and other job-related services; and other issues that arise because of the devolution of the federal welfare programs to the states; and

(4) make recommendations relating to the adoption of rules and legislation, if any are found to be necessary.

B. The committee shall regularly receive testimony from the secretaries of human services; labor; children, youth and families; and health and the superintendent of public instruction on issues arising from the implementation of the New Mexico Works Act and shall review proposed rules, schedules and formulae before adoption.

**History:** Laws 1998, ch. 8, § 23 and Laws 1998, ch. 9, § 23.

### **2-17-4. Subcommittees.**

Subcommittees shall be created only by majority vote of all members appointed to the welfare reform oversight committee and with the prior approval of the New Mexico legislative council. A subcommittee shall be composed of at least one member from the

senate and one member from the house of representatives, and at least one member of the minority party shall be a member of the subcommittee. Any meeting or expenditure of a subcommittee shall be approved by the full committee in advance of that meeting or expenditure, and the approval shall be shown in the minutes of the committee.

**History:** Laws 1998, ch. 8, § 24 and Laws 1998, ch. 9, § 24.

### **2-17-5. Reports.**

The committee shall make reports of its findings and recommendations for the consideration of the first and second sessions of the forty-fourth legislature and the first and second sessions of the forty-fifth legislature. The reports and suggested legislation shall be made available to the New Mexico legislative council on or before December 15 preceding each session.

**History:** Laws 1998, ch. 8, § 25 and Laws 1998, ch. 9, § 25.

### **2-17-6. Staff.**

The staff for the welfare reform oversight committee shall be provided primarily by the legislative council service but the legislative council service may request the assistance of the legislative finance committee staff at the direction of the welfare reform oversight committee.

**History:** Laws 1998, ch. 8, § 26 and Laws 1998, ch. 9, § 26.

## **ARTICLE 18**

### **Corrections Oversight Committee**

#### **2-18-1. Corrections oversight committee created; termination.**

There is created a joint interim legislative committee that shall be known as the "corrections oversight committee". The committee shall function from the date of its appointment until the first day of December prior to the first session of the forty-seventh legislature.

**History:** Laws 2000, ch. 106, § 2.

#### **2-18-2. Membership; appointment; vacancies.**

A. The corrections oversight committee shall be composed of eight members. Four members of the house of representatives shall be appointed by the speaker of the house of representatives. Four members of the senate shall be appointed by the senate committees' committee or, if the senate appointments are made in the interim, by the

president pro tempore of the senate after consultation with and agreement of a majority of the members of the senate committees' committee.

B. Members shall be appointed from each house so as to give the two major political parties in each house equal representation on the corrections oversight committee as prevails in each house. However, in no event shall either party have less than one member from each house on the committee. The speaker of the house of representatives and the president pro tempore of the senate shall each appoint a co-chairman of the committee.

C. A vacancy on the corrections oversight committee shall be filled by appointment in the same manner as the original appointment.

D. No action shall be taken by the corrections oversight committee if a majority of the total membership from either house on the committee rejects the action.

**History:** Laws 2000, ch. 106, § 3.

### **2-18-3. Duties; subpoena power; cooperation.**

A. After its appointment, the corrections oversight committee shall hold one organizational meeting to develop a work plan and budget for the ensuing interim. The work plan and budget shall be submitted to the New Mexico legislative council for approval.

B. Upon approval of the work plan and budget by the New Mexico legislative council, the corrections oversight committee shall:

(1) oversee implementation of the recommendations set forth in the January 14, 2000 document entitled "The Consultants' Report on Prison Operations in New Mexico Correctional Institutions";

(2) assess the feasibility of expanding community corrections programming as a means to reduce the inmate population;

(3) monitor other issues related to the operation of public and private correctional facilities; and

(4) recommend legislation or changes, if they are found to be necessary, to the legislature.

C. [Vetoed by Governor March 7, 2000.]

D. The corrections department and every other state agency and political subdivision of the state shall, upon request, furnish and make available to the

corrections oversight committee documents, material or information requested by the members of the committee or its staff.

**History:** Laws 2000, ch. 106, § 4.

## ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and is not part of the law.

The term "subpoena power," in the section heading, references the provisions of Subsection C that were vetoed by the governor.

### **2-18-4. Subcommittees.**

A. Subcommittees shall be created only by majority vote of all members appointed to the corrections oversight committee and with the prior approval of the New Mexico legislative council. A subcommittee shall be composed of at least one member from the senate and one member from the house of representatives, and at least one member of the minority party shall be a member of the subcommittee.

B. All meetings and expenditures of a subcommittee shall be approved by the full corrections oversight committee in advance of subcommittee meetings or expenditures, and the approval shall be shown in the minutes of the committee.

**History:** Laws 2000, ch. 106, § 5.

### **2-18-5. Report.**

The corrections oversight committee shall make a report of its findings and recommendations for the consideration of the first session of the forty-fifth legislature; the second session of the forty-fifth legislature; the first session of the forty-sixth legislature; the second session of the forty-sixth legislature; and the first session of the forty-seventh legislature. The reports and suggested legislation shall be made available to the New Mexico legislative council on or before December 15 preceding each session.

**History:** Laws 2000, ch. 106, § 6.

### **2-18-6. Staff.**

The staff for the corrections oversight committee shall be provided by the legislative council service. The legislative council service may also contract for staff services for the corrections oversight committee.

**History:** Laws 2000, ch. 106, § 7.

## **ARTICLE 19**

### **Tobacco Settlement Revenue Oversight Committee**

#### **2-19-1. Tobacco settlement revenue oversight committee created; membership; duties.**

A. There is created a joint interim legislative committee that shall be known as the "tobacco settlement revenue oversight committee".

B. The tobacco settlement revenue oversight committee shall be composed of six members. Three members of the house of representatives shall be appointed by the speaker of the house of representatives and three members of the senate shall be appointed by the committees' committee of the senate or, if the senate appointments are made in the interim, those members shall be appointed by the president pro tempore of the senate after consultation with and agreement of a majority of the members of the committees' committee. Members shall be appointed from each house so as to give the two major political parties in each house the same proportionate representation on the tobacco settlement revenue oversight committee as prevails in each house.

C. The tobacco settlement revenue oversight committee shall:

(1) monitor the use of tobacco settlement revenue and meet on a regular basis to receive and review evaluations of programs receiving funding from tobacco settlement revenues;

(2) prepare recommendations, based on its program evaluation process, of program funding levels for the next fiscal year. The recommendations shall be made available to the New Mexico legislative council and the legislative finance committee on or before December 15 preceding each session; and

(3) make recommendations as necessary for changes in legislation regarding use of the tobacco settlement revenue.

D. The staff for the tobacco settlement revenue oversight committee shall be provided by the legislative council service.

**History:** Laws 2000 (2nd S.S.), ch. 9, § 4.

## **ARTICLE 20**

### **Military and Veterans' Affairs Committee**

## **2-20-1. Creation of interim military and veterans' affairs committee; members; appointment; terms; voting.**

A. There is created a joint interim committee of the legislature to be called the "military and veterans' affairs committee". The committee shall be composed of eight voting members.

B. The New Mexico legislative council shall appoint four members from the house of representatives and four members from the senate. At the time of making the appointment, the New Mexico legislative council shall designate the chair and vice chair of the committee. Members shall be appointed so as to give the two major political parties in each house the same proportionate representation on the committee as prevails in each house; provided that in no event shall either of the parties have less than one member from each house on the committee.

C. No action shall be taken by the committee if a majority of the total membership from either house on the committee rejects such action.

**History:** Laws 2010, ch. 23, § 1.

### **ANNOTATIONS**

**Effective dates.** — Laws 2010, ch. 23 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective May 19, 2010, 90 days after the adjournment of the legislature.

## **2-20-2. Duties of the military and veterans' affairs committee; staff; subcommittees; reporting.**

A. The military and veterans' affairs committee shall conduct meetings in several geographically dispersed areas of the state and shall conduct hearings related to military issues and veterans' issues. The committee shall make an annual report and recommend any necessary legislation to each session of the legislature. The committee shall request necessary action to the federal congress, the United States department of veterans affairs and the United States department of defense.

B. The staff of the committee shall be provided by the legislative council service.

C. Subcommittees shall be created only by majority vote of all the members appointed to the committee and with the prior approval of the New Mexico legislative council. A subcommittee shall be composed of at least one member from the senate and one member from the house of representatives, and at least one member of the minority party shall be a member of the subcommittee. All meetings and expenditures of a subcommittee shall be approved by the full committee in advance of the meeting or expenditure, and the approval shall be shown in the minutes of the committee.

**History:** Laws 2010, ch. 23, § 2.

#### **ANNOTATIONS**

**Effective dates.** — Laws 2010, ch. 23 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective May 19, 2010, 90 days after the adjournment of the legislature.

## **ARTICLE 21**

### **Legislative Caucus Committee**

#### **2-21-1. Recompiled.**

**History:** Laws 2019, ch. 262, § 15; 1978 Comp., § 2-21-1, recompiled as 1-19-26.7 NMSA 1978 by Laws 2023, ch. 39, § 98.

#### **ANNOTATIONS**

**Recompilations.** — Laws 2023, ch. 39, § 98 recompiled former 2-21-1 NMSA 1978 as 1-19-26.7 NMSA 1978, effective June 16, 2023.