

Chapter 2

Legislative Branch

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Article 1

Members of Legislature

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§ 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

Cross-references. - For provision that representative not residing in his district deemed to have resigned, see 2-7B-4 NMSA 1978. For provision that senator not residing in his district deemed to have resigned, see 2-8B-4 NMSA 1978. As to 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

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

"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. 1961-62 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. 1961-62 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. 1957-58 Op. Att'y Gen. No. 57-40.

Section only pertains to legislators who are officers or employees of the state as such. 1957-58 Op. Att'y Gen. No. 57-11.

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. 1957-58 Op. Att'y Gen. No. 57-93.

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.

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. 1945-46 Op. Att'y Gen. No. 4710.

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.

Before the 1977 amendment of this section, a member of the legislature who resigned his position as a member of such legislature could not be legally employed by the construction industries commission (now the construction industries division of the general services department) during the term of office for which he was elected. 1968 Op. Att'y Gen. No. 68-121.

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.

Am. Jur. 2d, A.L.R. and C.J.S. references. - 72 Am. Jur. 2d States, Territories, and Dependencies § 56.

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

Section only pertains to legislators who are officers or employees of the state as such. 1957-58 Op. Att'y Gen. No. 57-11.

And not 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. 1957-58 Op. Att'y Gen. No. 57-93.

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.

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.

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.

§ 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

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

§ 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 as per diem expense the sum of seventy-five dollars (\$75.00) for each day's attendance during each session and twenty-five cents (\$.25) per mile for each mile traveled in going to and returning from the seat of government by the usual traveled route once each session.

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.

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

The 1983 amendment added "Session" at the beginning of the catchline and substituted "seventy-five dollars (\$75.00)" for "forty dollars (\$40.00)" and "twenty-five cents (\$.25)" for "ten cents (\$.10)."

Effective dates. - Laws 1983, ch. 1, § 13, provides that the effective date of §§ 10 to 12 of the act shall be the date on which the state canvassing board certifies that the constitution has been amended as provided in House Joint Resolution Number 1, Laws 1982. This resolution proposed that N.M. Const., art. IV, § 10, be amended. The state canvassing board certified the approval of this amendment on November 23, 1982.

Emergency clauses. - Laws 1983, ch. 1, § 14, makes the act effective immediately. Approved February 2, 1983.

Am. Jur. 2d, A.L.R. and C.J.S. references. - 72 Am. Jur. 2d States, Territories, and Dependencies § 56.

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 shall receive per diem at the rate of seventy-five dollars (\$75.00) a day 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 privately owned automobiles at the rate of twenty-five cents (\$.25) a mile or by privately owned aircraft at the rate of thirty cents (\$.30) per air mile on official business of the committee within the state, by the shortest, most direct route.

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; or

(2) mileage at the same rates established for in-state travel if private automobiles or 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; 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.

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 1983 amendment added "in-state travel" at the end of the catchline, designated the formerly undesignated three sentences in the introductory paragraph as present Subsections A, B and C, respectively, redesignated former Subsections A to D as present Subsections C(1) to C(4), respectively, and, in Subsection B, substituted "seventy-five dollars (\$75.00)" for "forty dollars (\$40.00)," "twenty-five cents (\$.25)" for "ten cents (\$.10)" and "thirty cents (\$.30)" for "fifteen cents (\$.15)," inserted "the cost of public transportation by the shortest, most direct route or" and added "by the shortest, most direct route" at the end, inserted "most" in Subsection C(1), deleted "and" following

"shortest" in Subsection C(4) and made minor punctuation changes throughout Subsections B and C.

Effective dates. - Laws 1983, ch. 1, § 13, provides that the effective date of §§ 10 to 12 of the act shall be the date on which the state canvassing board certifies that the constitution has been amended as provided in House Joint Resolution Number 1, Laws 1982. This resolution proposed that N.M. Const., art. IV, § 10, be amended. The state canvassing board certified the approval of this amendment on November 23, 1982.

Emergency clauses. - Laws 1983, ch. 1, § 14, makes the act effective immediately. Approved February 2, 1983.

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 §§ 48, 49, 52.

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

Cross-references. - As to when legislative committee meetings are open to public, see 10-15-2 NMSA 1978.

Article 2

Advance Copies of New Acts

2-2-1. Advance certified copies of enactments.

2-2-2. Preservation as part of public records.

§ 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

Cross-references. - As to distribution of statutes, see 12-1-4 and 34-4-1 NMSA 1978.

Compiler's notes. - The title of Laws 1927, ch. 122, provides 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.

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

Conservancy Act. - See 73-14-1 NMSA 1978 and notes thereto.

Election Code. - The 1927 Election Code, referred to in next-to-last paragraph of this section, 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.
- 2-3-2. Legislative council service created.
- 2-3-3. Legislative council; powers; duties.
- 2-3-4. Control of building housing legislature, adjacent utility plant and surrounding grounds.
- 2-3-5. Insurance of buildings; contracts for care and management of property; records of transactions; assignment of space in buildings.
- 2-3-6. Control of state library building and surrounding grounds.
- 2-3-7. Insurance of building; records of transactions; contracts for care and management of property.
- 2-3-8. Purpose and duties of legislative council service.
- 2-3-9. Codification of election laws; consultation with election officials.
- 2-3-10. Review of election laws; recommendations as to re-registration of voters; improvement of purge laws; information made available to legislature.
- 2-3-11. Director of service; qualifications; tenure; compensation.
- 2-3-12. Duties of director; additional employees.
- 2-3-13. Services; confidential nature.
- 2-3-14. Quarters; files and indexes; cooperation with and by other agencies; cooperation with other states.
 - 2-3-14.1. State agencies; reports.
- 2-3-15. Reimbursement.
- 2-3-16. Cooperation of attorney general.
- 2-3-17. Expenditures of funds; budgets.
- 2-3-18. Legislative fiscal analyst transferred.

§ 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

Temporary provisions. - Laws 1983, ch. 167, § 1, creates a joint interim legislative committee to be known as the "children and youth study committee," which is to

function from the date of its appointment until the first day of December prior to the second session of the thirty-sixth legislature.

Laws 1983, ch. 167, § 2, provides that the committee is to be composed of eight members, four of which are to be appointed by the speaker of the house of representatives and four of which are to be appointed by the committee's committee of the senate and 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.

Laws 1983, ch. 167, § 3, provides that the committee shall examine the statutes, constitutional provisions, regulations and court decisions governing services in programs, including the funding and delivery of supported services, for children and youth. A committee is to report its recommendations into any suggested legislation to the second session of the thirty-sixth legislature.

Laws 1983, ch. 167, § 4, provides that subcommittees of the committee shall be created only by majority vote of all members appointed to the committee and with the prior approval of the legislative council and provides that all meetings and expenditures of the subcommittee shall be approved by the full committee in advance of such meeting or expenditure.

Laws 1983, ch. 167, § 5, provides that the committee is to make a report of its findings and recommendations for the consideration of the second session of the thirty-sixth legislature and that the report and suggested legislation is to be made available to the legislative council on or before December 15 preceding that session.

Laws 1983, ch. 167, § 6, provides that the staff for the committee shall be provided by the legislative council service.

Laws 1983, ch. 167, § 7, appropriates \$10,000 from the general fund to the legislative council service for expenditure in the seventy-first and seventy-second fiscal years for the purpose of paying the salaries and expenses of the technical, legal, clerical and stenographic assistants and for necessary equipment and supplies used in carrying out the provisions of the act and provides that any unexpended or unencumbered balance remaining at the end of the seventy-second fiscal year shall revert to the general fund.

Laws 1983, ch. 167, § 8, makes the act effective immediately. Approved April 5, 1983.

Laws 1983, ch. 269, §§ 1 to 7, creates a joint interim legislative committee to be known as the "local governments committee," which shall function from the date of its appointment until the first day of December prior to the second session of the thirty-sixth legislature. The committee shall be composed of eight members, four from the house of representatives and four from the senate. The committee is to examine the statutes, constitutional provisions, regulations and court decisions governing local governments in New Mexico and shall make a report of its findings and recommendations for the

consideration of the second session of the thirty-sixth legislature. The report and suggested legislation shall be made available to the legislative council on or before December 15 preceding that session. Subcommittees shall be created only by majority vote of all members appointed to the committee and with the prior approval of the legislative council. Staff for the committee shall be provided by the legislative council service. For the expenses of the committee, \$10,000 is appropriated from the general fund to the legislative council service for the seventy-first and seventy-second fiscal years. Any unexpended or unencumbered balance remaining at the end of the seventy-second fiscal year shall revert to the general fund.

Laws 1983, ch. 269, § 8, makes the act effective on July 1, 1983.

Laws 1983, ch. 307, §§ 1 to 7, creates a joint interim legislative committee to be known as the "economic development, new technologies and business tax study committee," composed of eight members, four from the house of representatives and four from the senate. The committee is to examine and study any statutes, constitutional provisions, regulations and court decisions governing economic development, new technologies and taxes on business and industry in New Mexico, excluding tribal and pueblo lands. Subcommittees shall be created only by a majority vote of all members appointed to the committee and with the prior approval of the legislative council. The committee shall make a report of its findings and recommendations for the consideration of the second session of the thirty-sixth legislature. The report and suggested legislation shall be made available to the legislative council on or before December 15 preceding that session. Staff for the committee is to be provided by the legislative council service. For the expenses of the committee, \$10,000 is appropriated from the general fund to the legislative council service for the seventy-second fiscal year, and any unexpended or unencumbered balance remaining at the end of the seventy-second fiscal year shall revert to the general fund.

Laws 1983, ch. 307, § 8, makes the act effective on July 1, 1983.

Laws 1983, ch. 332, § 1, creates a joint interim legislative committee which shall be known as the "human services, health and aging committee," and provides that the committee shall function from the date of its appointment until the first day of December prior to the second session of the thirty-sixth legislature.

Laws 1983, ch. 332, § 2, provides that the committee shall be composed of eight members, to be appointed by the legislative council, with four members from the house of representatives and four members from the senate. Members are to 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 and vacancies on the committee are to be filled by the legislative council. No action is to be taken by the committee if a majority of the total membership from either house on the committee rejects such action.

Laws 1983, ch. 332, § 3, provides that the committee shall hold one organizational meeting after its appointment to develop a work plan and budget for the ensuing interim which shall be submitted to the legislative council for approval. The committee is then to examine the operations, services and administration of the human services department, health and environment department and the state agency on aging with respect to the improvement of services and elimination of the duplication of services, and the committee is to prepare a report to be given to the second session of the thirty-sixth legislature.

Laws 1983, ch. 332, § 4, provides that subcommittees shall be created only by majority vote of all members appointed to the council and with the prior approval of the legislative council, provides for the membership of any such subcommittee and provides that all meetings and expenditures of such subcommittee shall be approved by the full committee in advance of such meeting or expenditure, with the approval being shown in the minutes of the committee.

Laws 1983, ch. 332, § 5, provides that the committee shall make a report of its findings and recommendations for the consideration of the second session of the thirty-sixth legislature, and the report and suggested legislation are to be made available to the legislative council on or before December 15 preceding that session.

Laws 1983, ch. 332, § 6, provides that the staff for the committee shall be provided by the legislative council service.

Laws 1983, ch. 332, § 7, appropriates \$10,000 from the general fund to the legislative council service for expenditure during the seventy-first and seventy-second fiscal years for the purpose of paying the salaries and expenses of the technical, legal, clerical and stenographic assistants and for necessary equipment and supplies used in carrying out the provisions of the preceding sections and for reimbursing the per diem and travel expenses of the committee, and provides that all unexpended or unencumbered balances remaining at the end of the seventy-second fiscal year shall revert to the general fund.

Laws 1983, ch. 332, § 8, makes the act effective immediately. Approved April 8, 1983.

Laws 1984, ch. 90, §§ 1 to 5, create a joint interim legislative committee to be known as the "children and youth study committee," which shall function from the date of its appointment until December 31, 1986, provide for the appointment of the membership of the committee, outline the committee's duties, continuing the work of the committee created by Laws 1983, ch. 167, authorize the creation of subcommittees, create the position of director of the children and youth study committee and provide for the staffing of the committee by the legislative council service.

Laws 1985, ch. 102, § 13 provides that the legislative council shall assign to the appropriate interim committee a study of the continuing care industry and the need for regulation and that the interim committee shall examine the statutes, constitutional

provisions, regulations and court decisions governing the industry and recommend legislation or changes, if any are found to be necessary, to the second session of the thirty-seventh legislature.

Laws 1986, ch. 9, §§ 1 through 7 create a joint interim legislative committee which shall be known as the "telecommunications committee." The committee is to examine the statutes, constitutional provisions, regulations and court decisions governing telecommunications service in New Mexico and recommend legislation or changes if any are found to be necessary to the first session of the thirty-eighth legislature. The committee shall function from the date of its appointment until the first day of December prior to the first session of the thirty-eighth legislature.

Laws 1986, ch. 9, § 8 makes the act effective immediately. Approved February 17, 1986.

Laws 1986, ch. 22, § 104 provides for the creation of an interim legislative workmen's compensation committee to be composed of four members from the house of representatives, appointed by the speaker, and four members of the senate, appointed by the committees' committee or, if appointed in the interim, by the president pro tempore with the approval of a majority of the members of the committees' committee. The purpose of the committee is to study the entire personal injury and disease disablement area of the law and recommend any changes in law to the first session of the thirty-eighth legislature. Staff and funds for the committee are to be provided by the legislative counsel service.

Laws 1986, ch. 73, §§ 1 through 6, creates a joint interim legislative committee to be known as the "human services, health and aging committee," which shall function from the date of its appointment until December 1 prior to the first session of the thirty-eighth legislature. The committee shall be composed of eight members, four from the house and four from the senate. The committee is to examine the statutes, constitutional provisions, regulations and court decisions governing human services, health and aging in New Mexico and recommend legislation or changes, if necessary, to the first session of the thirty-eighth legislature. A report of findings and recommendations, and suggested legislation, shall be made available to the legislative council on or before December 15 preceding that session. Subcommittees are to 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. Staff for the committee shall be provided by the legislative council service.

Laws 1986, ch. 73, § 7 makes the act effective immediately. Approved March 4, 1986.

Laws 1986, ch. 88, §§ 1 to 7 creates a joint interim legislative committee to be known as the investment committee, composed of eight members, four from the house of representatives and four from the senate, to function from the date of its appointment

until the first day of December prior to the first session of the thirty-eighth legislature. The committee is to examine the statutes, constitutional provisions, regulations and court decisions governing investment of public funds in New Mexico and recommend legislation or changes, if any are found to be necessary, to the first session of the thirty-eighth legislature. To pay the salaries and expenses of the technical, legal, clerical and stenographic assistants and for other specified expenses, \$100,000 is appropriated to the legislative council service from the general fund. Any unexpended or unencumbered balances remaining at the end of the seventy-fifth fiscal year shall revert to the general fund.

Laws 1986, ch. 88, § 8 makes the act effective immediately. Approved March 4, 1986.

Laws 1986, ch. 106, §§ 1 to 6 creates a joint interim legislature committee to be known as the state nursing homes study committee, composed of two members of the house of representatives and two members of the senate, to function from the date of its appointment until December 15, prior to the first session of the thirty-eighth legislature. Upon approval of its workplan and budget by the legislative council, the committee shall examine the statutes, constitutional provisions, regulations and court decisions governing state nursing homes in New Mexico and shall also examine the indigent population served in these facilities, the level of care provided, the cost effectiveness of the state's operation of nursing homes and whether the private sector can provide nursing home services more efficiently and effectively than the state. The committee shall recommend legislation or changes, if any are found to be necessary, to the first session of the thirty-eighth legislature.

Laws 1986, ch. 106, § 7 makes the act effective immediately. Approved March 5, 1986.

Laws 1987, ch. 85, §§ 1 to 8 creates a joint interim legislative committee to be known as the aids impact study committee, composed of eight members, four from the house of representatives and four from the senate, and four advisory members, two from the senate and two from the house of representatives, to function from the date of its appointment until December 1 prior to the second session of the thirty-eighth legislature. The purpose of the committee is to study the direct and indirect costs borne by society as a result of aids through increased taxes, increased insurance premiums, increased medicaid costs and forced decreases in public health services and to recommend policies and proposals to the legislature on state action required to deal with this epidemic in a cost-effective and humane fashion. Necessary funds for the committee budget are to be allocated by the legislative council from funds appropriated to the legislative council service.

Laws 1987, ch. 85, § 9 makes the act effective immediately. Approved March 20, 1987.

Laws 1987, ch. 180, § 1 provides that the legislative council shall study the feasibility and corresponding costs necessary to increase the accessibility of the state capitol to the public and to expand tourist information and tours.

Laws 1987, ch. 180, § 2 appropriates an amount equal to one-half of the available cash balances of the capitol buildings repair fund as of June 30, 1986, and one-half of the total receipts to the capitol buildings repair fund in the seventy-sixth and seventy-seventh fiscal years from the capitol buildings repair fund to the legislative council service for expenditure in the seventy-fifth, seventy-sixth and seventy-seventh fiscal years for the purpose of repairing and making capital improvements necessary to restore the state capitol and the state library and protect the public health and safety. The repairs and capital improvements shall include: (1) installation of a working security system; (2) any needed change of electrical systems and ventilation systems; (3) repair of any structural deterioration; (4) repair of cement work, walks, steps, exterior walls and parking lots; (5) replacement of PCB transformers; and (6) proper protection from or removal of asbestos. The legislative council shall appoint a subcommittee to supervise the building superintendent in making the necessary repairs and capital improvements provided for in this section, which repairs and improvements shall be completed by the end of the seventy-seventh fiscal year, and any unexpended or unencumbered balance remaining at the end of the seventy-seventh fiscal year shall revert to the capitol buildings repair fund.

Laws 1987, ch. 180, § 3 makes the act effective immediately. Approved April 8, 1987.

Laws 1987, ch. 235, § 53, effective June 19, 1987, provides for a joint interim legislative committee to be known as the "workers' compensation committee" to function from the date of its appointment until the first day of December prior to the second session of the thirty-eighth legislature, to be composed of four members of the house of representatives and four members of the senate appointed so as to give the two major political parties proportional representation. The committee shall examine the law governing workers' benefit systems in New Mexico and other states and recommend legislation or changes, if any are found to be necessary, to the second session of the thirty-eighth legislature. The committee shall make a report available to the legislative council on or before December fifteenth preceding the thirty-eighth session.

Laws 1988, ch. 53, §§ 1 to 8, effective May 18, 1988, create a joint interim legislative committee to be known as the "legislative reform study committee" to examine the statutes, constitutional provisions, regulations and court decisions governing the legislature in New Mexico and to recommend legislation to update and modernize the legislative process and procedure if any are found to be necessary to the first session of the thirty-ninth legislature and appropriates \$20,000 from the general fund to the legislative council service for expenditure during the seventy-seventh fiscal year for the purposes of paying salaries and expenses of carrying out the duties of the legislative reform study committee and provides that any unexpended or unencumbered balance remaining at the end of the seventy-seventh fiscal year shall revert to the general fund.

Laws 1988, ch. 149, § 1, effective May 18, 1988, creates a joint interim legislative committee which shall be known as the "workers' compensation committee" to function from the date of its appointment until the first day of December prior to the first session of the thirty-ninth legislature and appropriates \$50,000 from the general fund to the

legislative council service for expenditure during the seventy-sixth and seventy-seventh fiscal year for the purpose of paying salaries and expenses of consultants, and for technical, legal, and clerical assistance, for necessary equipment and supplies, and for per diem and travel expenses of the committee, and provides that any unexpended or unencumbered balance remaining at the end of the seventh-seventh fiscal year shall revert to the general fund. The committee shall be composed of four members of the house of representatives and four members of the senate and is to consider the interrelationships of all factors that influence the workers' benefit system in New Mexico and to make a report of its findings and recommendations for the consideration of the first session of the thirty-ninth legislature.

Laws 1989, ch. 350, effective April 7, 1989, creates a joint interim legislative committee to be known as the human services budget oversight committee, which is to study the fiscal policies and issues and funding needs of the medicaid program and to make a report of its findings and recommendations for the consideration of the second session of the thirty-ninth legislature. The committee is to function from the date of its appointment until the first day of December prior to the second session of the thirty-ninth legislature.

Laws 1990, ch. 81, §§ 1 to 7, effective March 2, 1990, create a joint interim legislative reapportionment and redistricting committee to function from the date of its appointment until the first day of December prior to the second session of the fortieth legislature. The committee is composed of sixteen members, eight members of the house of representatives and eight members of the senate. After an organizational meeting to develop a work plan and budget to be approved by the legislative council, the committee shall make a study to develop procedures, criteria and standards for reapportionment and may create subcommittees. The committee's report and suggested legislation shall be available to the legislative council on or before December 15 of each year preceding the first and second sessions of the fortieth legislature. Staff for the committee is provided by the legislative council service.

Appropriations. - Laws 1983, ch. 1, § 7, appropriates to the legislative council service \$895,000 for salaries and other expenses for the seventy-second fiscal year, \$140,000 for travel expenses of legislators other than legislative council members, on legislative council business, and for committee travel, staff and other necessary expenses for other interim committees for the seventy-second fiscal year, and \$225,000 for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation.

Laws 1983, ch. 1, § 14, makes the act effective immediately. Approved February 2, 1983.

Laws 1986, ch. 115, § 2B appropriates \$72,843 from the capitol buildings repair fund to the legislative council service for expenditure in the seventy-fourth and seventy-fifth fiscal years for renovation and repairs at the state capitol and provides that any

unexpended or unencumbered balance remaining at the end of the seventy-fifth fiscal year shall revert to the capitol buildings repair fund.

Laws 1986, ch. 115, § 11 provides that authorizations for the funding of any project enumerated in chapter 115 shall be reduced by the amount contained in those acts of the second session of the thirty-seventh legislature which authorize funding for the same projects and provides that, if the agency responsible for certifying to the state board of finance the need for the issuance of bonds for a specific enumerated project does not so certify by the end of the seventy-sixth fiscal year, the issuance of bonds for that project, with the exception of authorizations for projects that require federal matching funds, is void.

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 §§ 44, 50 to 54.
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

Appropriations. - Laws 1985 (1st S.S.), ch. 1, § 3 appropriates \$1,224,933 from the general fund to the legislative council service for salaries and other expenses for the seventy-fourth fiscal year, \$200,000 for travel expenses of legislators other than legislative council members, on legislative council business, and for committee travel, staff and other necessary expenses for other interim committees for the seventy-fourth fiscal year, and \$225,000 for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation.

Laws 1985 (1st S.S.), ch. 1, § 6 appropriates \$1,661,400 from the general fund to the legislative council service for salaries and other expenses for the seventy-fourth fiscal year.

Laws 1985 (1st S.S.), ch. 1, § 7 provides that the amounts set out in §§ 3, 4, 5 and 6 of the act are provided for informational purposes only and may be freely transferred among categories.

Laws 1985 (1st S.S.), ch. 1, § 8 makes the act effective immediately. Approved May 11, 1985.

Laws 1985 (1st S.S.), ch. 4, § 5 appropriates \$150,000 from the general fund to the legislative council service for use by the radioactive materials committee for the purpose of providing for the hazardous waste feasibility study as set forth in the Hazardous Waste Feasibility Study Act, 74-4C-1 through 74-4C-4 NMSA 1978, in the seventy-third, seventy-fourth and seventy-fifth fiscal years and provides that any unexpended or unencumbered balance at the end of the seventy-fifth fiscal year shall revert to the general fund.

Laws 1986, ch. 1, § 7 appropriates to the legislative council service \$1,151,000 for salaries and other expenses for the seventy-fifth fiscal year, \$190,000 for the travel expenses of the legislators other than legislative council members, on legislative council business, and for committee travel, staff and other necessary expenses for the interim committees for the seventy-fifth fiscal year, and \$213,750 for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation.

Laws 1986, ch. 1, § 10 provides that the amounts appropriated in §§ 7, 8, and 9 of the act are for informational purposes only and may be freely transferred among categories.

Laws 1986, ch. 1, § 11 makes the act effective immediately. Approved February 4, 1986.

Laws 1987, ch. 2, § 7 appropriates \$1,168,400 from the general fund to the legislative counsel service for personal services and other expenses for the seventy-sixth fiscal year, \$186,200 for travel expenses of legislators other than legislative council members, on legislative council business, and for committee travel staff and other necessary expenses for other interim committees for the seventy-sixth fiscal year, and \$209,500

for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation.

Laws 1987, ch. 2, § 10 provides that the amounts appropriated in §§ 7, 8 and 9 of the act are for informational purposes only and may be freely transferred among the categories.

Laws 1987, ch. 2, § 11 makes the act effective immediately. Approved February 2, 1987.

Laws 1988, ch. 1, § 7, effective January 28, 1988, appropriates \$1,374,572 to the legislative council service for salaries and other benefits for the seventy-seventh fiscal year, \$250,000 for travel expenses of legislators other than legislative council members on legislative council business, and for committee travel, staff and necessary expenses for other interim committees for the seventy-seventh fiscal year, and \$209,500 for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation.

Laws 1988, ch. 1, § 11, effective January 28, 1988, provides that the amounts set out in sections 7, 8 and 9 of the act are provided for informational purposes only and may be freely transferred among categories.

Laws 1988, ch. 1, § 10, effective January 28, 1988, appropriates \$25,000 to the legislative council service for the seventy-seventh fiscal year for the interim duties of the senate rules committee, for committee travel and per diem, staff, and other expenses, to be disbursed on vouchers signed by the director of the legislative council service, and appropriates an additional amount of \$9,000 as a deficiency appropriation for the balance of the seventy-sixth fiscal year.

Laws 1989, ch. 1, § 7, effective January 26, 1989, appropriates \$1,620,430 from the general fund to the legislative council service for salaries and other expenses for the seventy-eighth fiscal year, \$275,000 for travel expenses of legislators other than legislative council members on legislative council business, and for committee travel, staff and other necessary expenses for other interim committees for the seventy-eighth fiscal year, \$225,000 for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation, \$150,000 for an interim contingency operations fund for the legislative council service for the seventy-eighth and seventy-ninth fiscal years in the event of a renovation of the state capitol, and \$50,000 for the assembly on the legislature host committee to prepare for a national legislative meeting.

Laws 1989, ch. 1, § 11 provides that amounts set out in § 7 of the act are provided for informational purposes only and may be freely transferred among categories.

Laws 1989, ch. 1, § 10, effective January 26, 1989, appropriates \$35,000 from the general fund to the legislative council service for the interim duties of the senate rules committee in the seventy-eighth fiscal year.

Laws 1989, ch. 300, § 2 amends Laws 1987, ch. 180, § 2 to appropriate an amount equal to one-half of the available cash balance of the capitol buildings repair fund as of June 30, 1986, and one-half of the total receipts to the capitol buildings repair fund in the seventy-sixth and seventy-seventh fiscal years from the capitol buildings repair fund to the legislative council service for expenditure in the seventy-sixth through eighty-first fiscal years for the purpose of repairing and making capital improvements necessary to restore the state capitol and the state library and protect the public health and safety.

Laws 1989, ch. 300, § 3 appropriates \$17,000,000 from the general fund to the legislative council service for renovation of the state capitol, including removal of asbestos-containing material, bring the state capitol into life safety and access for the physically disabled code compliance, removal of three PCB transformers, renovation of the committee rooms and the public spaces to allow for increased public participation, addition of computer cabling, audio-visual and security devices and other necessary interior and exterior repairs, relocation costs, including the permanent relocation of the department of finance and administration, and design fees, and provides further that any unexpended or unencumbered balance remaining at the end of the eightieth fiscal year shall revert to the general fund.

Laws 1990, ch. 1, § 7, effective January 24, 1990, appropriates \$1,784,705 from the general fund to the legislative council service for the seventy-ninth fiscal year for personal services and other expenses, \$275,000 for travel expenses of legislators other than legislative council members, on legislative council business, committee travel, staff and other expenses, and \$250,000 for pre-session expenditures and contracts, supplies and personnel for interim session preparation.

Laws 1990, ch. 1, § 10, effective January 24, 1990, appropriates \$38,500 from the general fund to the legislative council service for the seventy-ninth fiscal year for the interim duties of the senate rules committee.

Laws 1990, ch. 1, § 11, effective January 24, 1990, appropriates \$879,000 from the general fund to the legislative council service for the seventy-ninth and eightieth fiscal years for the development of reapportionment plans to comply with federal preclearance requirements under the federal Voting Rights Act of 1965.

Laws 1990, ch. 1, § 12, effective January 24, 1990, provides that the amounts set out in Sections 7, 8 and 9 of the act are for informational purposes only and may be freely transferred among categories.

Laws 1990, ch. 101, §§ 1 and 2, effective March 5, 1990, sets forth legislative findings pertaining to disability of state government employees, appropriates \$188,000 from the workers' compensation retention fund to the New Mexico legislative council service for the seventy-eighth and seventy-ninth fiscal years for the purpose of contracting for a state employee disability management plan, specifies areas to be covered by the plan, provides for a report to the appropriate interim legislative committee prior to the first session of the fortieth legislature and provides that any unexpended or unencumbered

balance remaining at the end of the seventy-ninth fiscal years shall revert to the workers' compensation retention fund.

Laws 1990, ch. 132, § 2, effective March 7, 1990, appropriates \$3,000,000 to the legislative council service, for expenditure in the eightieth through eighty-second fiscal years, for contingency costs associated with the renovation of the state capitol and Section 4 of that act provides that any unexpended or unencumbered balance remaining at the end of the eighty-second fiscal year shall revert to the capital projects fund.

Laws 1990, ch. 132, § 21, effective March 7, 1990, amends Laws 1987, ch. 180, § 2, as amended.

§ 2-3-3. Legislative council; powers; duties.

It shall be the duty of the legislative council:

A. to adopt rules and regulations for the administration of this act in the conduct of the affairs of the council service;

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

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

D. to 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 or voting member 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. to adopt rules of procedure for all committees created by the council including a rule that no action shall be taken by the 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. to 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, ch. 21, § 11.

ANNOTATIONS

Cross-references. - As to duties in regard to uniformity of laws, see 2-4-2 NMSA 1978.

Meaning of "this act". - The words "this act" in Subsection A 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.

§ 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

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, 15-3-1 to 15-3-17, 15-3-21 to 15-3-23, 15-3-24, 15-3-25, 15-3-31, 15-3-32, 15-4-1 to 15-4-3 and 15-5-1 to 15-5-6 NMSA 1978.

Commissions abolished. - 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.

§ 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.

§ 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

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, 15-3-3 to 15-3-6, 15-3-17 and 15-5-1 to 15-5-6 NMSA 1978.

Commission abolished. - As to abolishment of capitol custodian commission, see 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.

§ 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.

§ 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.

§ 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

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. 85-2.

§ 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

Cross-references. - As to director serving on commission for promotion of uniformity of legislation, 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.

Meaning of "this act". - 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.

§ 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.

§ 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

Cross-references. - As to 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

Effective dates. - Laws 1985, ch. 19 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective on June 14, 1985.

§ 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. - As to compensation of state employees, see 10-7-2 NMSA 1978.

The 1983 amendment deleted "for actual expenses" at the end of the catchline, deleted the former last sentence, which read "Said members shall also receive reimbursement for expenses in traveling at the rate of eight cents (8¢) per mile for attending meetings or traveling in connection with other duties," and substituted "as provided in the Per Diem and Mileage Act" for "for their actual and necessary expenses" in the first sentence and "approved by the council shall be reimbursed for travel on council business as provided in Section 2-1-9 NMSA 1978" for "shall be allowed to receive fifteen dollars (\$15.00) per diem to reimburse said members for their actual expenses for each day while engaged in the performance of official duties for said council" in the second sentence.

Effective dates. - Laws 1983, ch. 1, § 13, provides that the effective date of §§ 10 to 12 of the act shall be the date on which the state canvassing board certifies that the constitution has been amended as provided in House Joint Resolution Number 1, Laws 1982. This resolution proposed that N.M. Const., art. IV, § 10, be amended. The state canvassing board certified the approval of this amendment on November 23, 1982.

Emergency clauses. - Laws 1983, ch. 1, § 14, makes the act effective immediately. Approved February 2, 1983.

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

Emergency clauses. - Laws 1951, ch. 182, § 13, makes the act effective immediately. Approved March 16, 1951.

Severability clauses. - Laws 1951, ch. 182, § 12, provides for the severability of the act if any part or application thereof is held invalid.

§ 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. - As to confidential nature of services of the legislative council service, see 2-3-13 NMSA 1978. As to cooperation with legislative finance committee, see 2-5-7 NMSA 1978. For confidentiality of certain public records, see 14-2-1 NMSA 1978.

Article 4 Commission for Promotion of Uniform Legislation

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

2-4-2. Duties of commissioners.

2-4-3. Report to legislature.

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

There is created a "commission for the promotion of uniformity of legislation in the United States". Its membership shall consist of:

A. two members appointed by the New Mexico legislative council, who shall be members of the legislature;

B. two members of the New Mexico bar, who shall be appointed by the New Mexico legislative council, and who shall serve on the commission at their own expense;

C. the dean of the university of New Mexico law school or his designee; and

D. the director of the legislative council service who shall serve ex officio.

The members shall be known as the commissioners for the promotion of uniformity of legislation in the United States.

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

ANNOTATIONS

The 1989 amendment, effective June 16, 1989, substituted the present language of Subsection A for "two members appointed by the legislative council, who may be members of the legislature or not"; added present Subsections B and C; and redesignated the first sentence of former Subsection B as Subsection D, while leaving the second sentence of former Subsection B as the undesignated last paragraph.

Am. Jur. 2d, A.L.R. and C.J.S. references. - 73 Am. Jur. 2d Statutes § 32.
82 C.J.S. Statutes §§ 69, 371.

§ 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

Cross-references. - As to 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.

Article 5 Legislative Fiscal Control

- 2-5-1. Legislative finance committee created; terms; vacancies.
- 2-5-2. Legislative finance committee staff.
- 2-5-3. Legislative finance committee; duties.
- 2-5-4. Legislative finance committee; additional duties.

- 2-5-4.1. Legislative systems; coordination with other agencies.
- 2-5-5. Legislative finance committee; powers.
- 2-5-6. Repealed.
- 2-5-7. Cooperation.

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

There is hereby created a continuing joint interim committee of the legislature to be designated the "legislative finance committee." The committee shall be composed of eight members, four members from the house of representatives and four 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. Two of the remaining members shall be appointed from the house of representatives by the speaker and the three 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. 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.

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 such member ceases to be a member of the legislature.

Vacancies in the committee 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 the new members must 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.

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., § 2-5-1, enacted by Laws 1957, ch. 3, § 1; 1978, ch. 21, § 12.

ANNOTATIONS

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

Appropriations. - Laws 1980, ch. 1, § 8, the "feed bill," appropriates \$817,700 to the legislative finance committee for salaries and expenses of the legislative finance committee staff and for expenses of the committee for the sixty-ninth fiscal year.

Laws 1980, ch. 1, § 13, makes the act effective immediately. Approved January 24, 1980.

Laws 1981, ch. 1, § 8, the "feed bill," appropriates \$900,200 to the legislative finance committee for salaries and expenses of the legislative finance committee staff and for expenses of the committee for the seventieth fiscal year.

Laws 1981, ch. 1, § 16, makes the act effective immediately. Approved February 5, 1981.

Laws 1982, ch. 2, § 8, the "feed bill," appropriates \$977,500 to the legislative finance committee, to be disbursed upon vouchers signed by the chairman of the committee or his designated representative, for salaries and expenses of the legislative finance committee staff and for expenses of the legislative finance committee, for the seventy-first fiscal year.

Laws 1982, ch. 2, § 9, makes the act effective immediately. Approved February 5, 1982.

Laws 1983, ch. 1, § 8, appropriates \$943,300 to the legislative finance committee for salaries and expenses of the committee staff and for expenses of the committee for the seventy-second fiscal year.

Laws 1983, ch. 1, § 14, makes the act effective immediately. Approved February 2, 1983.

Laws 1983, ch. 23, § 3, amends Laws 1982, ch. 2, § 8, to appropriate \$957,950 to the legislative finance committee for salaries and expenses of the committee staff and for expenses of the committee for the seventy-first fiscal year.

Laws 1983, ch. 23, § 11, provides for the severability of the act if any part or application thereof is held invalid.

Laws 1983, ch. 23, § 12, makes the act effective immediately. Approved March 15, 1983.

Laws 1985 (1st S.S.), ch. 1, § 4 appropriates \$973,800 from the general fund to the legislative finance committee for salaries and other expenses for the seventy-fourth fiscal year.

Laws 1985 (1st S.S.), ch. 1, § 7 provides that the amounts set out in §§ 3, 4, 5 and 6 of the act are provided for informational purposes only and may be freely transferred among categories.

Laws 1985 (1st S.S.), ch. 1, § 8 makes the act effective immediately. Approved May 11, 1985.

Laws 1986, ch. 1, § 8 appropriates to the legislative finance committee for the seventy-fifth fiscal year \$933,800 for designated expenses up to designated maximum amounts, to be disbursed on vouchers signed by the chairman of the committee or his designated representative.

Laws 1986, ch. 1, § 10 provides that the amounts appropriated in §§ 7, 8, and 9 of the act are for informational purposes only and may be freely transferred among categories.

Laws 1986, ch. 1, § 11 makes the act effective immediately. Approved February 4, 1986.

Laws 1987, ch. 2, § 8 appropriates \$945,300 from the general fund to the legislative finance committee for personal services and other expenses for the seventy-sixth fiscal year.

Laws 1987, ch. 2, § 10 provides that the amounts appropriated in §§ 7, 8 and 9 of the act are for informational purposes only and may be freely transferred among the categories.

Laws 1987, ch. 2, § 11 makes the act effective immediately. Approved February 2, 1987.

Laws 1988, ch. 1, § 8, effective January 28, 1988, appropriates \$987,600 to the legislative finance committee for the seventy-seventh fiscal year, for designated purposes up to designated amounts, to be disbursed on vouchers signed by the chairman of the committee or his designated representative.

Laws 1988, ch. 1, § 11, effective January 28, 1988, provides that the amounts set out in sections 7, 8 and 9 of the act are provided for informational purposes only and may be freely transferred among categories.

Laws 1989, ch. 1, § 8, effective January 26, 1989, appropriates \$1,258,100 from the general fund to the legislative finance committee for salaries and other expenses in the seventy-eighth fiscal year.

Laws 1989, ch. 1, § 11 provides that amounts set out in § 8 of the act are provided for informational purposes only and may be freely transferred among categories.

Laws 1990, ch. 1, § 8, effective January 24, 1990, appropriates \$1,620,600 from the general fund to the legislative finance committee for the seventy-ninth fiscal year for personal services and expenses.

Laws 1990, ch. 1, § 12, effective January 24, 1990, provides that the amounts set out in Sections 7, 8 and 9 of the act are for informational purposes only and may be freely transferred among categories.

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.

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.

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. 85-2.

§ 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. 1957-58 Op. Att'y Gen. No. 57-118.

And it also authorizes inquiry into policies and costs of a governmental unit as these are related to the operation and financial laws governing such a unit. 1957-58 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. 1957-58 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. 1957-58 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

Appropriations. - Laws 1980, ch. 24, § 13, appropriates \$100,000 from the general fund to the legislative finance committee, for the sixty-eighth and sixty-ninth fiscal years, to hire an auditor to audit expenditures made from appropriations and authorizations made pursuant to Laws 1980, ch. 24. Any unexpended or unencumbered balance remaining at the end of the sixty-ninth fiscal year is to revert to the general fund.

Laws 1980, ch. 24, § 22, makes the act effective immediately. Approved February 22, 1980.

Inquiries authorized. - For inquiries authorized by this section and 2-5-3 NMSA 1978, see case notes to 2-5-3 NMSA 1978.

§ 2-5-4.1. Legislative systems; coordination with other agencies.

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.

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

ANNOTATIONS

Cross-references. - For Department of Finance and Administration Act, see 9-6-1 NMSA 1978 et seq. For Taxation and Revenue Department Act, see 9-11-1 NMSA 1978 et seq.

§ 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, N.M.R. Civ. P.

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, repeals 2-5-6 NMSA 1978, relating to the expenses of the legislative finance committee.

Laws 1981, ch. 64, contains no effective date provision, but was enacted at the session which adjourned on March 21, 1981. See N.M. Const., art. IV, § 23.

§ 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. As to confidentiality of certain public records, see 14-2-1 NMSA 1978.

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. 1957-58 Op. Att'y Gen. No. 57-118.

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. 1957-58 Op. Att'y Gen. No. 57-162.

Article 6 Introduction of Bills

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

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

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 section 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.

ANNOTATIONS

Cross-references. - As to legislative sessions, see 2-9-1 NMSA 1978. For time limit on introduction of bills, see N.M. Const., art. IV, § 19.

Am. Jur. 2d, A.L.R. and C.J.S. references. - 73 Am. Jur. 2d Statutes § 54.
82 C.J.S. Statutes § 22.

Article 7 Apportionment of House of Representatives

(Repealed by Laws 1982 (2nd S.S.), ch. 1, § 80 and Laws 1982 (3rd S.S.), ch. 4, § 79.)

Sec.

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

§§ 2-7-1 to 2-7-88. Repealed.

ANNOTATIONS

Repeals. - Laws 1982 (2nd S.S.), ch. 1, § 80, and Laws 1982 (3rd S.S.), ch. 4, § 79, both repeal 2-7-1 to 2-7-88 NMSA 1978, relating to the apportionment of the house of representatives. For present provisions, see 2-7B-1 to 2-7B-78 NMSA 1978.

Laws 1982 (2nd S.S.), ch. 1, § 81, makes the act effective immediately. Approved January 16, 1982.

Laws 1982 (3rd S.S.), ch. 4, contains no effective date provision, but was enacted at the session which adjourned on June 21, 1982. See N.M. Const., art. IV, § 23.

Laws 1982 (3rd S.S.), ch. 4, § 79, purportedly also repeals 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. See case notes following 2-7B-1 NMSA 1978.

Article 7A Apportionment of House of Representatives

(Repealed by Laws 1982 (3rd S.S.), ch. 4, § 79.)

Sec.

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

§§ 2-7A-1 to 2-7A-79. Repealed.

ANNOTATIONS

Repeals. - Laws 1982 (3rd S.S.), ch. 4, § 79, purportedly repeals 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. See case notes following 2-7B-1 NMSA 1978. For present provisions see 2-7B-1 to 2-7B-78 NMSA 1978.

Laws 1982 (3rd S.S.), ch. 4, contains no effective date provision, but was enacted at the session which adjourned on June 21, 1982. See N.M. Const., art. IV, § 23.

Article 7B

Apportionment of House of Representatives

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- 2-7B-76. Representative district sixty-nine.
- 2-7B-77. Representative district seventy.
- 2-7B-78. Election of representatives.

§ 2-7B-1. Short title.

This act [2-7B-1 to 2-7B-78 NMSA 1978] may be cited as the "1982 House Reapportionment Act."

History: Laws 1982 (3rd S.S.), ch. 4, § 1.

ANNOTATIONS

Appropriations. - Laws 1983, ch. 48, § 1, appropriates \$189,161.89 from the general fund to the legislative council service for the seventy-first and seventy-second fiscal years for the purpose of paying plaintiffs' attorneys' fees and costs for litigation challenging the January 1982 New Mexico reapportionment plans and provides that any unexpended or unencumbered balance remaining at the end of the seventy-second fiscal year shall revert to the general fund.

Laws 1983, ch. 48, § 2, makes the act effective immediately. Approved March 24, 1983.

Legislative reapportionment unconstitutional. - The 1982 reapportionment of the New Mexico legislature, Articles 7A and 8A of Chapter 2 NMSA 1978 (now repealed), are unconstitutional. *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).

"Votes cast formula" constitutionally impermissible. - The "votes cast formula" in former 2-7A-6 and former 2-8A-6 NMSA 1978, used to derive precinct populations for state elections, leads to a result which is constitutionally impermissible. *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).

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).

Am. Jur. 2d, A.L.R. and C.J.S. references. - 25 Am. Jur. 2d Elections §§ 16 to 29, 31 to 38.

Judiciary's power to compel legislature to make apportionment of representatives or election districts, as required by constitution, 46 A.L.R. 964.
29 C.J.S. Elections § 54.

§ 2-7B-2. Findings of fact.

The legislature finds that:

A. on April 8, 1982, the United States district court for the district of New Mexico adjudged and decreed that "the 1982 reapportionment of the New Mexico legislature, 1982 New Mexico Laws [(2nd S.S.)] Chapters I and II is unconstitutional";

B. precincts as defined in the Election Code [Chapter 1 NMSA 1978] and as described in this 1982 House Reapportionment Act [2-7B-1 to 2-7B-78 NMSA 1978] are the only suitable and feasible building blocks available to it for the creation of representative districts;

C. the use of such precincts in the creation of representative districts is necessary in order to conduct an election to implement any reapportionment plan enacted by the legislature;

D. enumeration data of the actual population of such precincts do not exist;

E. the United States district court in its memorandum opinion and order issued on April 8, 1982 required the legislature to "employ a good faith effort to construct legislative districts on the basis of population," and, at the same time, the court recognized that population numbers for state election precincts might have to be obtained by the use of some "clerical function" that "allocates" the required numbers to the precincts; and

F. the legislature, in its desire to comply with such order and through the use of the bureau of the census for certain counties and state demographers for the remaining counties who employed certain clerical and demographic techniques to produce estimated populations for each of the precincts in this state, has made a good faith effort to construct representative districts on the basis of actual population.

History: Laws 1982 (3rd S.S.), ch. 4, § 2.

ANNOTATIONS

Compiler's notes. - Laws 1982 (2nd S.S.), chs. 1 and 2, referred to in Subsection A, were compiled as Articles 7A and 8A of Chapter 2 NMSA 1978 before being repealed in 1982. For annotations from the district court opinion cited in Subsections A and E, see case notes following 2-7B-1 NMSA 1978.

Am. Jur. 2d, A.L.R. and C.J.S. references. - 25 Am. Jur. 2d Elections §§ 16 to 29, 31 to 38.

Judiciary's power to compel legislature to make apportionment of representatives or election districts, as required by constitution, 46 A.L.R. 964.

§ 2-7B-3. Membership.

The house of representatives shall be composed of seventy members to be elected from districts which shall insofar as is practicable and possible be compact and which shall be contiguous.

History: Laws 1982 (3rd S.S.), ch. 4, § 3.

§ 2-7B-4. Residence.

Any candidate for the office of state representative shall reside in the district for which he files his declaration of candidacy, at the time of such filing. Thereafter, if any representative permanently removes his residence from or maintains no residence in the district from which he was elected, he shall be deemed to have resigned, and his

successor shall be selected as provided in Section 5 [2-7B-5 NMSA 1978] of the 1982 House Reapportionment Act.

History: Laws 1982 (3rd S.S.), ch. 4, § 4.

ANNOTATIONS

Cross-references. - For resignation procedure, see 2-1-1 NMSA 1978. For prohibition against members of legislature receiving compensation for services performed as officer or employee of state, see 2-1-3 to 2-1-5 NMSA 1978.

Filing in district of residence required. - In order for a candidate for county commissioner or state representative to qualify for those offices, he must file in the district where he resides. 1966 Op. Att'y Gen. No. 66-30.

§ 2-7B-5. Election; 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) in any representative district situated wholly within the exterior boundaries of a single county, by appointment of the board of county commissioners of that county;

(2) in any representative district situated within an area composed of two or more counties, by the following method:

(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; and

(3) all appointments to fill vacancies in the house of representatives shall be for a term ending on December 31 subsequent to the next succeeding general election.

History: Laws 1982 (3rd S.S.), ch. 4, § 5.

ANNOTATIONS

Cross-references. - For resignation procedure for members of legislature, see 2-1-1 NMSA 1978. As to removal from election district being deemed resignation, see 2-7B-4 NMSA 1978.

§ 2-7B-6. Precincts.

A. Precinct designations and boundaries used in districting by the legislature for reapportionment of the house of representatives shall be those precinct designations and boundaries set by the boards of county commissioners of the respective counties for the June 1, 1982 primary election, unless otherwise specified.

B. The boards of county commissioners shall not create any precinct which lies in more than one representative district, nor shall the boards of county commissioners 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 shall be invalid and shall not be counted or canvassed.

History: Laws 1982 (3rd S.S.), ch. 4, § 6.

§ 2-7B-7. Districts.

The reapportionment of the house of representatives shall be as set out in the following seventy sections [2-7B-8 to 2-7B-77 NMSA 1978] of the 1982 House Reapportionment Act.

History: Laws 1982 (3rd S.S.), ch. 4, § 7.

§ 2-7B-8. Representative district one.

Representative district one shall be composed of San Juan county precincts number 15, 21, 24, 25, 26, 27, 28, 29, 42, 43, 44 and 45.

History: Laws 1982 (3rd S.S.), ch. 4, § 8.

§ 2-7B-9. Representative district two.

Representative district two shall be composed of San Juan county precincts number 14, 22, 23, 31, 32, 41, 46, 51, 52, 53, 54, 55, 56 and 80.

History: Laws 1982 (3rd S.S.), ch. 4, § 9.

§ 2-7B-10. Representative district three.

Representative district three shall be composed of San Juan county precincts number 62, 63, 64, 65, 66, 67, 71, 72, 73, 74, 78 and 79.

History: Laws 1982 (3rd S.S.), ch. 4, § 10.

§ 2-7B-11. Representative district four.

Representative district four shall be composed of San Juan county precincts number 2, 3, 4, 8, 11, 12, 13, 17, 18 and 61.

History: Laws 1982 (3rd S.S.), ch. 4, § 11.

§ 2-7B-12. Representative district five.

Representative district five shall be composed of McKinley county precincts number 4, 21, 22, 23, 24, 25, 31, 32, 33, 34, 35, 53 and 54.

History: Laws 1982 (3rd S.S.), ch. 4, § 12.

§ 2-7B-13. Representative district six.

Representative district six shall be composed of McKinley county precincts number 1, 2, 3, 16, 41, 42, 43, 44, 45, 51 and 52.

History: Laws 1982 (3rd S.S.), ch. 4, § 13.

§ 2-7B-14. Representative district seven.

Representative district seven shall be composed of Cibola county precincts number 11, 12, 13, 14, 16, 17, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 53.

History: Laws 1982 (3rd S.S.), ch. 4, § 14.

§ 2-7B-15. Representative district eight.

Representative district eight shall be composed of Valencia county precincts number 1, 2, 3, 4, 6, 7, 8, 18, 19, 22, 23, 24, 25, 26 and 27.

History: Laws 1982 (3rd S.S.), ch. 4, § 15.

§ 2-7B-16. Representative district nine.

Representative district nine shall be composed of San Juan county precincts number 1, 5, 6, 7, 16, 75 and 76 and McKinley county precincts number 14, 15 and 17.

History: Laws 1982 (3rd S.S.), ch. 4, § 16.

§ 2-7B-17. Representative district ten.

Representative district ten shall be composed of Bernalillo county precincts number 77, 91, 92, 93, 94, 95, 96, 97, 107, 242 and 246.

History: Laws 1982 (3rd S.S.), ch. 4, § 17.

§ 2-7B-18. Representative district eleven.

Representative district eleven shall be composed of Bernalillo county precincts number 125, 131, 161, 162, 163, 164, 165, 187, 196, 197, 211, 212, 213, 214, 221, 222, 224, 225 and 226.

History: Laws 1982 (3rd S.S.), ch. 4, § 18.

§ 2-7B-19. Representative district twelve.

Representative district twelve shall be composed of Bernalillo county precincts number 44, 65, 66, 67, 71, 72, 73, 74, 75, 76 and 90.

History: Laws 1982 (3rd S.S.), ch. 4, § 19.

§ 2-7B-20. Representative district thirteen.

Representative district thirteen shall be composed of Bernalillo county precincts number 32, 33, 41, 42, 43, 45, 48 and 49.

History: Laws 1982 (3rd S.S.), ch. 4, § 20.

§ 2-7B-21. Representative district fourteen.

Representative district fourteen shall be composed of Bernalillo county precincts number 46, 47, 61, 62, 63, 64, 101, 102, 103, 104, 105, 106, 132, 133, 134 and 135.

History: Laws 1982 (3rd S.S.), ch. 4, § 21.

§ 2-7B-22. Representative district fifteen.

Representative district fifteen shall be composed of Bernalillo county precincts number 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18 and 422.

History: Laws 1982 (3rd S.S.), ch. 4, § 22.

§ 2-7B-23. Representative district sixteen.

Representative district sixteen shall be composed of Bernalillo county precincts number 31, 34, 35, 36, 37, 121, 122, 123, 124, 151, 152, 153, 154, 155 and 166.

History: Laws 1982 (3rd S.S.), ch. 4, § 23.

§ 2-7B-24. Representative district seventeen.

Representative district seventeen shall be composed of Bernalillo county precincts number 14, 15, 181, 182, 183, 184, 185, 186, 191, 192, 193, 194, 195 and 438.

History: Laws 1982 (3rd S.S.), ch. 4, § 24.

§ 2-7B-25. Representative district eighteen.

Representative district eighteen shall be composed of Bernalillo county precincts number 215, 216, 217, 223, 241, 243, 244, 245, 251, 252, 255, 256, 342, 343, 351, 352, 353, 354, 355, 356, 357, 358, 381 and 382.

History: Laws 1982 (3rd S.S.), ch. 4, § 25.

§ 2-7B-26. Representative district nineteen.

Representative district nineteen shall be composed of Bernalillo county precincts number 253, 254, 271, 272, 273, 274, 275, 276, 281, 282, 283, 284, 285, 311, 383, 384, 385 and 386.

History: Laws 1982 (3rd S.S.), ch. 4, § 26.

§ 2-7B-27. Representative district twenty.

Representative district twenty shall be composed of Bernalillo county precincts number 277, 286, 288, 289, 290, 291, 294 and 296.

History: Laws 1982 (3rd S.S.), ch. 4, § 27.

§ 2-7B-28. Representative district twenty-one.

Representative district twenty-one shall be composed of Bernalillo county precincts number 292, 326, 327, 463, 464, 467, 472, 473, 474, 475, 476, 477, 478, 501, 502 and 534.

History: Laws 1982 (3rd S.S.), ch. 4, § 28.

§ 2-7B-29. Representative district twenty-two.

Representative district twenty-two shall be composed of Bernalillo county precincts number 293, 295, 297, 298, 299, 544, 545, 548, 550, 557 and 560.

History: Laws 1982 (3rd S.S.), ch. 4, § 29.

§ 2-7B-30. Representative district twenty-three.

Representative district twenty-three shall be composed of Bernalillo county precincts number 483, 484, 485, 486, 487, 489, 510, 520, 522, 528 and 529.

History: Laws 1982 (3rd S.S.), ch. 4, § 30.

§ 2-7B-31. Representative district twenty-four.

Representative district twenty-four shall be composed of Bernalillo county precincts number 494, 495, 496, 497, 498, 499, 500, 506, 507, 508, 509, 511, 512, 513, 514 and 523.

History: Laws 1982 (3rd S.S.), ch. 4, § 31.

§ 2-7B-32. Representative district twenty-five.

Representative district twenty-five shall be composed of Bernalillo county precincts number 341, 344, 345, 346, 347, 371, 372, 374, 375, 387, 431, 432, 433, 434, 436, 437, 442, 443 and 444.

History: Laws 1982 (3rd S.S.), ch. 4, § 32.

§ 2-7B-33. Representative district twenty-six.

Representative district twenty-six shall be composed of Bernalillo county precincts number 287, 316, 321, 322, 323, 324, 325, 414, 416, 417, 461, 462, 465, 466 and 471.

History: Laws 1982 (3rd S.S.), ch. 4, § 33.

§ 2-7B-34. Representative district twenty-seven.

Representative district twenty-seven shall be composed of Bernalillo county precincts number 405, 406, 407, 408, 409, 410, 418, 419, 420, 421, 435, 439, 488 and 490.

History: Laws 1982 (3rd S.S.), ch. 4, § 34.

§ 2-7B-35. Representative district twenty-eight.

Representative district twenty-eight shall be composed of Bernalillo county precincts number 503, 504, 505, 519, 531, 532, 533, 535, 536, 540, 541, 542, 543, 546, 547 and 549.

History: Laws 1982 (3rd S.S.), ch. 4, § 35.

§ 2-7B-36. Representative district twenty-nine.

Representative district twenty-nine shall be composed of Bernalillo county precincts number 1, 2, 3, 19, 20, 21, 30, 38, 39 and 40.

History: Laws 1982 (3rd S.S.), ch. 4, § 36.

§ 2-7B-37. Representative district thirty.

Representative district thirty shall be composed of Bernalillo county precincts number 312, 313, 314, 315, 317, 373, 400, 401, 402, 403, 404, 411, 412, 413, 415, 441, 445, 446, 491, 492 and 493.

History: Laws 1982 (3rd S.S.), ch. 4, § 37.

§ 2-7B-38. Representative district thirty-one.

Representative district thirty-one shall be composed of Bernalillo county precincts number 480, 515, 516, 517, 518, 521, 524, 525, 526, 527, 530, 537, 538, 539, 554, 555 and 556.

History: Laws 1982 (3rd S.S.), ch. 4, § 38.

§ 2-7B-39. Representative district thirty-two.

Representative district thirty-two shall be composed of Dona Ana county precincts number 18, 33, 63 and 65 and Luna county precincts number 3, 5, 9, 11, 13, 14, 15 and 17.

History: Laws 1982 (3rd S.S.), ch. 4, § 39.

§ 2-7B-40. Representative district thirty-three.

Representative district thirty-three shall be composed of Dona Ana county precincts number 2, 3, 5, 6, 12, 13, 14, 15, 24, 25, 26, 27 and 64.

History: Laws 1982 (3rd S.S.), ch. 4, § 40.

§ 2-7B-41. Representative district thirty-four.

Representative district thirty-four shall be composed of Dona Ana county precincts number 16, 30, 31, 32, 34, 35, 36, 37, 38, 39 and 40.

History: Laws 1982 (3rd S.S.), ch. 4, § 41.

§ 2-7B-42. Representative district thirty-five.

Representative district thirty-five shall be composed of Dona Ana county precincts number 1, 4, 11, 22, 41, 42, 43, 44, 45, 46, 48, 51, 53, 54 and 62.

History: Laws 1982 (3rd S.S.), ch. 4, § 42.

§ 2-7B-43. Representative district thirty-six.

Representative district thirty-six shall be composed of Dona Ana county precincts number 52, 58, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77 and 78.

History: Laws 1982 (3rd S.S.), ch. 4, § 43.

§ 2-7B-44. Representative district thirty-seven.

Representative district thirty-seven shall be composed of Dona Ana county precincts number 7, 21, 23, 28, 29, 47, 49, 55, 56, 57 and 59.

History: Laws 1982 (3rd S.S.), ch. 4, § 44.

§ 2-7B-45. Representative district thirty-eight.

Representative district thirty-eight shall be composed of Grant county precincts number 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 22, 23, 35 and 36 and Luna county precincts number 1, 7 and 19.

History: Laws 1982 (3rd S.S.), ch. 4, § 45.

§ 2-7B-46. Representative district thirty-nine.

Representative district thirty-nine shall be composed of Hidalgo county and Grant county precincts number 12, 13, 15, 16, 21, 24, 25, 26, 31, 32, 33 and 34.

History: Laws 1982 (3rd S.S.), ch. 4, § 46.

§ 2-7B-47. Representative district forty.

Representative district forty shall be composed of Rio Arriba county precincts number 1, 2, 3, 4, 5, 6, 12, 13, 16, 21, 22, 23, 24 and 25; Santa Fe county precincts number 3 and 42; and San Miguel county precincts number 11, 12, 13, 14, 28, 32, 33, 34, 35, 36, 37 and 38.

History: Laws 1982 (3rd S.S.), ch. 4, § 47.

§ 2-7B-48. Representative district forty-one.

Representative district forty-one shall be composed of Rio Arriba county precincts number 11, 14, 15, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46, 51, 52, 53, 54, 55, 56, 61, 62, 63, 64 and 65.

History: Laws 1982 (3rd S.S.), ch. 4, § 48.

§ 2-7B-49. Representative district forty-two.

Representative district forty-two shall be composed of Taos county.

History: Laws 1982 (3rd S.S.), ch. 4, § 49.

§ 2-7B-50. Representative district forty-three.

Representative district forty-three shall be composed of Los Alamos county and Sandoval county precincts number 10 and 16.

History: Laws 1982 (3rd S.S.), ch. 4, § 50.

§ 2-7B-51. Representative district forty-four.

Representative district forty-four shall be composed of Sandoval county precincts number 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 34 and 38.

History: Laws 1982 (3rd S.S.), ch. 4, § 51.

§ 2-7B-52. Representative district forty-five.

Representative district forty-five shall be composed of Sante Fe county precincts number 62, 63, 133, 171, 173, 174, 175, 176, 177, 178, 181, 191, 192, 201, 202 and 203.

History: Laws 1982 (3rd S.S.), ch. 4, § 52.

§ 2-7B-53. Representative district forty-six.

Representative district forty-six shall be composed of Santa Fe county precincts number 1, 2, 11, 12, 13, 21, 22, 31, 32, 33, 41, 52, 53, 54, 55, 61, 71, 72, 73, 74, 81 and 154.

History: Laws 1982 (3rd S.S.), ch. 4, § 53.

§ 2-7B-54. Representative district forty-seven.

Representative district forty-seven shall be composed of Santa Fe county precincts number 51, 64, 91, 92, 93, 141, 142, 143, 144, 151, 152, 153, 155, 156, 157, 162, 163, 168, 172 and 182.

History: Laws 1982 (3rd S.S.), ch. 4, § 54.

§ 2-7B-55. Representative district forty-eight.

Representative district forty-eight shall be composed of Santa Fe county precincts number 101, 102, 103, 104, 105, 106, 111, 112, 113, 114, 115, 121, 122, 123, 124, 131, 132, 145, 161, 164, 165, 166 and 167.

History: Laws 1982 (3rd S.S.), ch. 4, § 55.

§ 2-7B-56. Representative district forty-nine.

Representative district forty-nine shall be composed of Catron and Socorro counties and Valencia county precincts number 31, 33, 36 and 37.

History: Laws 1982 (3rd S.S.), ch. 4, § 56.

§ 2-7B-57. Representative district fifty.

Representative district fifty shall be composed of Torrance county; Bernalillo county precincts number 551, 552 and 553; and Valencia county precincts number 5, 9, 10, 11, 21, 32, 34, 35 and 38.

History: Laws 1982 (3rd S.S.), ch. 4, § 57.

§ 2-7B-58. Representative district fifty-one.

Representative district fifty-one shall be composed of Lincoln county precincts number 2 and 12 and Otero county precincts number 1, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 16, 17 and 18.

History: Laws 1982 (3rd S.S.), ch. 4, § 58.

§ 2-7B-59. Representative district fifty-two.

Representative district fifty-two shall be composed of Sierra county; Otero county precincts number 31, 32, 33, 34, 41 and 44; and Lincoln county precincts number 3 and 4.

History: Laws 1982 (3rd S.S.), ch. 4, § 59.

§ 2-7B-60. Representative district fifty-three.

Representative district fifty-three shall be composed of Otero county precincts number 2, 21, 22, 23, 24, 42, 43, 51, 52, 53 and 54.

History: Laws 1982 (3rd S.S.), ch. 4, § 60.

§ 2-7B-61. Representative district fifty-four.

Representative district fifty-four shall be composed of Eddy county precincts number 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 35, 51, 52, 57 and 60.

History: Laws 1982 (3rd S.S.), ch. 4, § 61.

§ 2-7B-62. Representative district fifty-five.

Representative district fifty-five shall be composed of Eddy county precincts number 5, 8, 31, 32, 33, 34, 41, 42, 43, 44, 45, 46, 53, 54, 55, 56, 58, 59, 61, 62 and 65.

History: Laws 1982 (3rd S.S.), ch. 4, § 62.

§ 2-7B-63. Representative district fifty-six.

Representative district fifty-six shall be composed of Eddy county precincts number 1, 2, 3, 4, 6, 7, 63 and 66; Chaves county precinct number 104; and Lincoln county precincts number 1, 11, 13, 14, 15, 16 and 17.

History: Laws 1982 (3rd S.S.), ch. 4, § 63.

§ 2-7B-64. Representative district fifty-seven.

Representative district fifty-seven shall be composed of De Baca county; Lincoln county precinct number 5; and Chaves county precincts number 1, 2, 3, 4, 5, 10, 11, 41, 42, 51, 52, 61 and 62.

History: Laws 1982 (3rd S.S.), ch. 4, § 64.

§ 2-7B-65. Representative district fifty-eight.

Representative district fifty-eight shall be composed of Chaves county precincts number 33, 34, 63, 71, 72, 81, 82, 84, 85, 91, 93, 101, 102 and 103 and Eddy county precinct number 64.

History: Laws 1982 (3rd S.S.), ch. 4, § 65.

§ 2-7B-66. Representative district fifty-nine.

Representative district fifty-nine shall be composed of Chaves county precincts number 6, 12, 13, 14, 15, 21, 22, 23, 24, 25, 31, 32, 35, 83 and 92.

History: Laws 1982 (3rd S.S.), ch. 4, § 66.

§ 2-7B-67. Representative district sixty.

Representative district sixty shall be composed of Lea county precincts number 1, 2, 3, 11, 12, 13, 14, 15, 16, 17, 21, 22, 31 and 64.

History: Laws 1982 (3rd S.S.), ch. 4, § 67.

§ 2-7B-68. Representative district sixty-one.

Representative district sixty-one shall be composed of Lea county precincts number 36, 52, 53, 54, 61, 62, 71, 72, 73, 74, 75 and 76.

History: Laws 1982 (3rd S.S.), ch. 4, § 68.

§ 2-7B-69. Representative district sixty-two.

Representative district sixty-two shall be composed of Lea county precincts number 23, 24, 25, 26, 32, 33, 34, 35, 41, 42, 43, 44 and 51.

History: Laws 1982 (3rd S.S.), ch. 4, § 69.

§ 2-7B-70. Representative district sixty-three.

Representative district sixty-three shall be composed of Curry county precincts number 5, 6, 8, 13, 14, 15, 16, 17, 18, 21, 22, 23, 31, 42 and 55.

History: Laws 1982 (3rd S.S.), ch. 4, § 70.

§ 2-7B-71. Representative district sixty-four.

Representative district sixty-four shall be composed of Curry county precincts number 24, 25, 33, 34, 35, 43, 45, 46, 50, 51, 52, 53 and 54.

History: Laws 1982 (3rd S.S.), ch. 4, § 71.

§ 2-7B-72. Representative district sixty-five.

Representative district sixty-five shall be composed of Sandoval county precincts number 14, 15, 17, 18, 21, 22, 23, 24, 25, 31, 32, 33, 35, 36, 37, 41, 42, 43 and 44 and McKinley county precincts number 11, 12 and 13.

History: Laws 1982 (3rd S.S.), ch. 4, § 72.

§ 2-7B-73. Representative district sixty-six.

Representative district sixty-six shall be composed of Roosevelt county and Curry county precincts number 11 and 12.

History: Laws 1982 (3rd S.S.), ch. 4, § 73.

§ 2-7B-74. Representative district sixty-seven.

Representative district sixty-seven shall be composed of Quay, Harding and Union counties and Curry county precincts number 1, 2, 3, 4, 7 and 32.

History: Laws 1982 (3rd S.S.), ch. 4, § 74.

§ 2-7B-75. Representative district sixty-eight.

Representative district sixty-eight shall be composed of Mora and Colfax counties and San Miguel county precincts number 18, 19 and 20.

History: Laws 1982 (3rd S.S.), ch. 4, § 75.

§ 2-7B-76. Representative district sixty-nine.

Representative district sixty-nine shall be composed of McKinley county precincts number 5, 6, 7 and 9 and Cibola county precincts number 15, 51, 52, 54, 55, 56, 57 and 58.

History: Laws 1982 (3rd S.S.), ch. 4, § 76.

§ 2-7B-77. Representative district seventy.

Representative district seventy shall be composed of Guadalupe county and San Miguel county precincts number 1, 2, 3, 4, 5, 6, 7, 8, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27 and 31.

History: Laws 1982 (3rd S.S.), ch. 4, § 77.

§ 2-7B-78. Election of representatives.

Representatives shall be elected under the provisions of this 1982 House Reapportionment Act [2-7B-1 to 2-7B-78 NMSA 1978] at the 1982 general election and at all general elections subsequent thereto unless the United States supreme court finds that the provisions of Laws 1982 (1st S.S.) [(2nd S.S.)], Chapter 1 is constitutional, in which case the house of representatives shall be elected at the 1984 general election under the provisions of that chapter and at each general election subsequent thereto.

History: Laws 1982 (3rd S.S.), ch. 4, § 78.

ANNOTATIONS

Compiler's notes. - The reference to Laws 1982 (1st S.S.), chapter 1, in this section is seemingly incorrect, as there was no first special session in 1982. However, Laws 1982 (2nd S.S.), ch. 1, enacted 2-7A-1 to 2-7A-79 NMSA 1978, the provisions of which were held unconstitutional in 1982. See 2-7B-1 NMSA 1978 and case notes thereunder.

Article 8 Apportionment of Senate

(Repealed by Laws 1982 (2nd S.S.), ch. 2, § 53 and Laws 1982 (3rd S.S.), ch. 1, § 52.)

Sec.

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

§§ 2-8-1 to 2-8-53. Repealed.

ANNOTATIONS

Repeals. - Laws 1982 (2nd S.S.), ch. 2, § 53, and Laws 1982 (3rd S.S.), ch. 1, § 52, both repeal 2-8-1 to 2-8-53 NMSA 1978, relating to the apportionment of the senate. For present provisions, see 2-8B-1 to 2-8B-51 NMSA 1978.

Laws 1982 (2nd S.S.), ch. 2, contains no effective date provision, but was enacted at the session which adjourned on January 19, 1982. See N.M. Const., art. IV, § 23.

Laws 1982 (3rd S.S.), ch. 1, § 53, makes the act effective immediately. Approved June 23, 1982.

Laws 1982 (3rd S.S.), ch. 1, § 52, purportedly also repeals 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 by Laws 1982 (3rd S.S.), ch. 1, § 52.)

Sec.

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

§§ 2-8A-1 to 2-8A-52. Repealed.

ANNOTATIONS

Repeals. - Laws 1982 (3rd S.S.), ch. 1, § 52, purportedly repeals 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 2-8B-1 to 2-8B-51 NMSA 1978.

Article 8B

Apportionment of Senate

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- 2-8B-49. Senate district forty-two.
- 2-8B-50. Elimination of unequal staggering; declaration of intent.
- 2-8B-51. First election of senators.

§ 2-8B-1. Short title.

This act [2-8B-1 to 2-8B-51 NMSA 1978] may be cited as the "1982 Senate Reapportionment Act."

History: Laws 1982 (3rd S.S.), ch. 1, § 1.

ANNOTATIONS

Appropriations. - Laws 1983, ch. 48, § 1, appropriates \$189,161.89 from the general fund to the legislative council service for the seventy-first and seventy-second fiscal years for the purpose of paying plaintiffs' attorneys' fees and costs for litigation

challenging the January 1982 New Mexico reapportionment plans and provides that any unexpended or unencumbered balance remaining at the end of the seventy-second fiscal year shall revert to the general fund.

Laws 1983, ch. 48, § 2, makes the act effective immediately. Approved March 24, 1983.

Legislative reapportionment unconstitutional. - The 1982 reapportionment of the New Mexico legislature, Articles 7A and 8A of Chapter 2 NMSA 1978 (now repealed), are unconstitutional. *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).

"Votes cast formula" constitutionally impermissible. - The "votes cast formula" in former 2-7A-6 and 2-8A-6 NMSA 1978, used to derive precinct populations for state elections, leads to a result which is constitutionally impermissible. *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).

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).

Am. Jur. 2d, A.L.R. and C.J.S. references. - 25 Am. Jur. 2d Elections §§ 16 to 29, 31 to 38.

Judiciary's power to compel legislature to make apportionment of representatives or election districts, as required by constitution, 46 A.L.R. 964.
29 C.J.S. Elections § 54.

§ 2-8B-2. Findings of fact.

The legislature finds that:

A. on April 8, 1982, the United States district court for the district of New Mexico adjudged and decreed that "the 1982 reapportionment of the New Mexico legislature, 1982 New Mexico Laws [(2nd S.S.)] Chapters I and II is unconstitutional";

B. precincts as defined in the Election Code [Chapter 1 NMSA 1978] and as described in this 1982 Senate Reapportionment Act [2-8B-1 to 2-8B-51 NMSA 1978] are the only suitable and feasible building blocks available to it for the creation of senatorial districts;

C. the use of such precincts in the creation of senatorial districts is necessary in order to conduct an election to implement any reapportionment plan enacted by the legislature;

D. enumeration data of the actual population of such precincts do not exist;

E. the United States district court in its memorandum opinion and order issued on April 8, 1982 required the legislature to "employ a good faith effort to construct legislative

districts on the basis of population," and, at the same time, the court recognized that population numbers for state election precincts might have to be obtained by the use of some "clerical function" that "allocates" the required numbers to the precincts; and

F. the legislature, in its desire to comply with such order and through the use of the bureau of the census for certain counties and state demographers for the remaining counties who employed certain clerical and demographic techniques to produce estimated populations for each of the precincts in this state, has made a good faith effort to construct senatorial districts on the basis of actual population.

History: Laws 1982 (3rd S.S.), ch. 1, § 2.

ANNOTATIONS

Compiler's notes. - Laws 1982 (2nd S.S.), chs. 1 and 2, referred to in Subsection A, were compiled as Articles 7A and 7B of Chapter 2 NMSA 1978 before being repealed in 1982. For annotations from the district court opinion cited in Subsections A and E, see case notes following 2-8B-1 NMSA 1978.

Am. Jur. 2d, A.L.R. and C.J.S. references. - 25 Am. Jur. 2d Elections §§ 16 to 29, 31 to 38.

Judiciary's power to compel legislature to make apportionment of representatives or election districts, as required by constitution, 46 A.L.R. 964.

§ 2-8B-3. Membership.

The senate shall be composed of forty-two members to be elected from districts which shall insofar as is practical and possible be compact and which shall be contiguous.

History: Laws 1982 (3rd S.S.), ch. 1, § 3.

§ 2-8B-4. Residence.

Any candidate for the office of state senator shall reside in the district for which he files his declaration of candidacy, at the time of such filing. Thereafter, if any senator permanently removes his residence from or maintains no residence in the district from which he was elected, he shall be deemed to have resigned, and his successor shall be selected as provided in Section 5 [2-8B-5 NMSA 1978] of the 1982 Senate Reapportionment Act.

History: Laws 1982 (3rd S.S.), ch. 1, § 4.

ANNOTATIONS

Cross-references. - For resignation procedure, see 2-1-1 NMSA 1978. As to prohibition against members of legislature receiving compensation for services performed as officer or employee of state, see 2-1-3 to 2-1-5 NMSA 1978.

Residency, not registration to vote, qualifies candidate. - Candidate was not a qualified elector eligible for a district senate candidacy where, although he registered and voted in a precinct in that district, he was ineligible to so register and vote because he actually resided outside the precinct and district. Thompson v. Robinson, 101 N.M. 703, 688 P.2d 21 (1984).

§ 2-8B-5. Election; 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) in any senatorial district situated wholly within the exterior boundaries of a single county, by appointment of the board of county commissioners of that county;

(2) in any senatorial district situated within an area composed of two or more counties, by the following method:

(a) the board of county commissioners of each county in the senatorial 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;

(3) 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 the unexpired term; and

(4) any appointment to fill a vacancy in the senate made after the effective date of the 1982 Senate Reapportionment Act shall be for a term ending December 31, 1984 and shall be made from the appropriate district as set out in the 1972 Senate Reapportionment Act.

History: Laws 1982 (3rd S.S.), ch. 1, § 5.

ANNOTATIONS

Cross-references. - For resignation procedure for members of legislature, see 2-1-1 NMSA 1978. As to removal from election district being deemed resignation, see 2-8B-4 NMSA 1978.

Compiler's notes. - The 1972 Senate Reapportionment Act, referred to in Subsection B(4), was compiled as 2-8-1 to 2-8-53 NMSA 1978 before being repealed in 1982.

Validity of method to fill vacancies in multi-county districts. - Former 2-9-20D(2), 1953 Comp., which was similar to Subsection B(2) of this section, provided a method of appointment for multi-county senatorial districts in which a vacancy occurred, and was valid as carrying out the intent of N.M. Const., art. IV, § 4. 1969 Op. Att'y Gen. No. 69-57.

§ 2-8B-6. Precincts.

A. Precinct designations and boundaries used in districting by the legislature for senate reapportionment shall be those precinct designations and boundaries set by the boards of county commissioners of the respective counties for the June 1, 1982 primary election, unless otherwise specified.

B. The boards of county commissioners shall not create any precinct which lies in more than one senatorial district, nor shall the boards of county commissioners divide any precinct so that the divided parts of the precinct are situated in two or more senatorial districts. Votes cast in any general, primary or other statewide election from precincts created or divided in violation of this subsection shall be invalid and shall not be counted or canvassed.

History: Laws 1982 (3rd S.S.), ch. 1, § 6.

§ 2-8B-7. Districts.

The reapportionment of the senate shall be as set out in the following forty-two sections [2-8B-8 to 2-8B-49 NMSA 1978] of the 1982 Senate Reapportionment Act.

History: Laws 1982 (3rd S.S.), ch. 1, § 7.

§ 2-8B-8. Senate district one.

Senate district one shall be composed of San Juan county precincts number 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 41, 42, 43, 44, 45, 46, 51, 52, 54, 64 and 67.

History: Laws 1982 (3rd S.S.), ch. 1, § 8.

§ 2-8B-9. Senate district two.

Senate district two shall be composed of San Juan county precincts number 11, 12, 13, 17, 18, 53, 55, 56, 61, 62, 63, 65, 66, 71, 72, 73, 74, 75, 76, 78, 79 and 80.

History: Laws 1982 (3rd S.S.), ch. 1, § 9.

§ 2-8B-10. Senate district three.

Senate district three shall be composed of San Juan county precincts number 1, 2, 3, 4, 5, 6, 7, 8 and 16 and McKinley county precincts number 14, 15, 16, 17 and 54.

History: Laws 1982 (3rd S.S.), ch. 1, § 10.

§ 2-8B-11. Senate district four.

Senate district four shall be composed of McKinley county precincts number 1, 2, 3, 4, 21, 22, 23, 24, 25, 31, 32, 33, 34, 35, 41, 42, 43, 44, 45, 51, 52 and 53.

History: Laws 1982 (3rd S.S.), ch. 1, § 11.

§ 2-8B-12. Senate district five.

Senate district five shall be composed of Rio Arriba county and Santa Fe county precincts number 31, 32 and 33.

History: Laws 1982 (3rd S.S.), ch. 1, § 12.

§ 2-8B-13. Senate district six.

Senate district six shall be composed of Taos and Mora counties and Santa Fe county precincts number 1, 2, 3, 11, 12, 13, 21, 22, 41 and 42.

History: Laws 1982 (3rd S.S.), ch. 1, § 13.

§ 2-8B-14. Senate district seven.

Senate district seven shall be composed of Colfax, Union, Harding and Quay counties.

History: Laws 1982 (3rd S.S.), ch. 1, § 14.

§ 2-8B-15. Senate district eight.

Senate district eight shall be composed of San Miguel, Guadalupe and De Baca counties.

History: Laws 1982 (3rd S.S.), ch. 1, § 15.

§ 2-8B-16. Senate district nine.

Senate district nine shall be composed of Sandoval county precincts number 1, 2, 5, 11, 12, 13, 14, 21, 22, 23, 24, 25, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43 and 44 and McKinley county precincts number 5, 6, 7, 9, 11, 12 and 13.

History: Laws 1982 (3rd S.S.), ch. 1, § 16.

§ 2-8B-17. Senate district ten.

Senate district ten shall be composed of Bernalillo county precincts number 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 17, 18, 418, 419, 422, 485, 486, 487, 488, 489 and 510.

History: Laws 1982 (3rd S.S.), ch. 1, § 17.

§ 2-8B-18. Senate district eleven.

Senate district eleven shall be composed of Bernalillo county precincts number 41, 42, 43, 44, 45, 49, 63, 64, 65, 66, 67, 71, 72, 73, 74, 75, 76 and 77.

History: Laws 1982 (3rd S.S.), ch. 1, § 18.

§ 2-8B-19. Senate district twelve.

Senate district twelve shall be composed of Bernalillo county precincts number 47, 48, 61, 62, 121, 122, 123, 124, 125, 131, 132, 133, 134, 135, 161, 163, 164, 165, 166, 211, 212, 213, 214, 215, 216, 217, 221, 222, 223, 224, 225 and 341.

History: Laws 1982 (3rd S.S.), ch. 1, § 19.

§ 2-8B-20. Senate district thirteen.

Senate district thirteen shall be composed of Bernalillo county precincts number 11, 14, 15, 16, 151, 152, 153, 154, 155, 162, 181, 182, 183, 184, 185, 186, 187, 191, 192, 193, 194, 195, 196 and 197.

History: Laws 1982 (3rd S.S.), ch. 1, § 20.

§ 2-8B-21. Senate district fourteen.

Senate district fourteen shall be composed of Bernalillo county precincts number 90, 91, 92, 93, 94, 95, 96, 97, 101, 102, 103, 104, 105, 106, 107, 226, 246, 255 and 256.

History: Laws 1982 (3rd S.S.), ch. 1, § 21.

§ 2-8B-22. Senate district fifteen.

Senate district fifteen shall be composed of Bernalillo county precincts number 344, 345, 346, 347, 371, 374, 375, 400, 405, 407, 409, 410, 420, 421, 431, 432, 433, 434, 435, 436, 437, 438, 439, 442 and 443.

History: Laws 1982 (3rd S.S.), ch. 1, § 22.

§ 2-8B-23. Senate district sixteen.

Senate district sixteen shall be composed of Bernalillo county precincts number 241, 242, 243, 244, 245, 251, 252, 253, 254, 271, 272, 273, 274, 275, 276, 281, 282, 342, 343, 351, 352, 353, 354, 355, 356, 357, 358, 381, 382, 383, 384, 385, 386 and 387.

History: Laws 1982 (3rd S.S.), ch. 1, § 23.

§ 2-8B-24. Senate district seventeen.

Senate district seventeen shall be composed of Bernalillo county precincts number 277, 283, 284, 285, 286, 287, 311, 312, 321, 322, 323, 324, 325, 326, 327 and 477.

History: Laws 1982 (3rd S.S.), ch. 1, § 24.

§ 2-8B-25. Senate district eighteen.

Senate district eighteen shall be composed of Bernalillo county precincts number 315, 316, 317, 412, 413, 414, 415, 416, 417, 461, 462, 463, 464, 465, 467, 471, 472, 473, 474, 475, 476, 478, 501, 502, 503, 504, 505, 531, 532, 533 and 534.

History: Laws 1982 (3rd S.S.), ch. 1, § 25.

§ 2-8B-26. Senate district nineteen.

Senate district nineteen shall be composed of Bernalillo county precincts number 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 536, 541, 542, 543, 544, 545 and 560.

History: Laws 1982 (3rd S.S.), ch. 1, § 26.

§ 2-8B-27. Senate district twenty.

Senate district twenty shall be composed of Bernalillo county precincts number 313, 314, 372, 373, 401, 411, 441, 444, 445, 446, 466, 491, 492, 493, 494, 495, 496, 506, 507, 508, 509, 511, 513, 514, 515, 516, 521, 523, 524 and 528.

History: Laws 1982 (3rd S.S.), ch. 1, § 27.

§ 2-8B-28. Senate district twenty-one.

Senate district twenty-one shall be composed of Bernalillo county precincts number 402, 403, 404, 406, 408, 480, 483, 484, 490, 497, 498, 499, 500, 512, 517, 518, 520, 522, 526, 529, 530, 537, 538 and 539.

History: Laws 1982 (3rd S.S.), ch. 1, § 28.

§ 2-8B-29. Senate district twenty-two.

Senate district twenty-two shall be composed of Torrance county and Bernalillo county precincts number 519, 525, 527, 535, 540, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556 and 557.

History: Laws 1982 (3rd S.S.), ch. 1, § 29.

§ 2-8B-30. Senate district twenty-three.

Senate district twenty-three shall be composed of Los Alamos county and Sandoval county precincts number 3, 4, 6, 7, 8, 9, 10, 15, 16, 17 and 18.

History: Laws 1982 (3rd S.S.), ch. 1, § 30.

§ 2-8B-31. Senate district twenty-four.

Senate district twenty-four shall be composed of Santa Fe county precincts number 61, 62, 63, 64, 105, 111, 112, 113, 114, 115, 121, 122, 123, 124, 131, 132, 133, 171, 172, 173, 174, 175, 176, 177, 178, 181 and 182.

History: Laws 1982 (3rd S.S.), ch. 1, § 31.

§ 2-8B-32. Senate district twenty-five.

Senate district twenty-five shall be composed of Santa Fe county precincts number 51, 52, 53, 54, 55, 71, 72, 73, 74, 81, 91, 92, 93, 101, 102, 103, 104, 106, 141, 142, 143, 144, 145, 151, 152, 153, 154, 155, 156, 157, 161, 162, 163, 164, 165, 166, 167, 168, 191, 192, 201, 202 and 203.

History: Laws 1982 (3rd S.S.), ch. 1, § 32.

§ 2-8B-33. Senate district twenty-six.

Senate district twenty-six shall be composed of Bernalillo county precincts number 1, 2, 19, 20, 21, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 46.

History: Laws 1982 (3rd S.S.), ch. 1, § 33.

§ 2-8B-34. Senate district twenty-seven.

Senate district twenty-seven shall be composed of Curry county precincts number 1, 2, 3, 4, 5, 6, 7, 8, 16, 17, 18, 22, 23, 24, 25, 31, 32, 33, 34, 35, 50, 52, 53, 54 and 55.

History: Laws 1982 (3rd S.S.), ch. 1, § 34.

§ 2-8B-35. Senate district twenty-eight.

Senate district twenty-eight shall be composed of Catron and Grant counties and Socorro county precincts number 12, 17, 18, 19 and 20.

History: Laws 1982 (3rd S.S.), ch. 1, § 35.

§ 2-8B-36. Senate district twenty-nine.

Senate district twenty-nine shall be composed of Valencia county.

History: Laws 1982 (3rd S.S.), ch. 1, § 36.

§ 2-8B-37. Senate district thirty.

Senate district thirty shall be composed of Cibola county.

History: Laws 1982 (3rd S.S.), ch. 1, § 37.

§ 2-8B-38. Senate district thirty-one.

Senate district thirty-one shall be composed of Curry county precincts number 11, 12, 13, 14, 15, 21, 42, 43, 45, 46 and 51; Roosevelt county precincts number 1, 2, 4, 12, 13, 14, 15, 16, 21, 22 and 23; and Chaves county precincts number 1, 2, 5, 10, 11 and 12.

History: Laws 1982 (3rd S.S.), ch. 1, § 38.

§ 2-8B-39. Senate district thirty-two.

Senate district thirty-two shall be composed of Chaves county precincts number 13, 14, 15, 21, 22, 23, 24, 25, 31, 32, 33, 34, 35, 42, 51, 52, 61, 62, 63, 81, 82, 83, 84, 85, 91 and 93.

History: Laws 1982 (3rd S.S.), ch. 1, § 39.

§ 2-8B-40. Senate district thirty-three.

Senate district thirty-three shall be composed of Eddy county precincts number 1, 2, 3, 4, 5, 6, 7, 8, 58, 59, 61, 62, 63, 64, 65 and 66 and Chaves county precincts number 3, 4, 6, 41, 71, 72, 92, 101, 102, 103 and 104.

History: Laws 1982 (3rd S.S.), ch. 1, § 40.

§ 2-8B-41. Senate district thirty-four.

Senate district thirty-four shall be composed of Eddy county precincts number 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 31, 32, 33, 34, 35, 41, 42, 43, 44, 45, 46, 51, 52, 53, 54, 55, 56, 57 and 60.

History: Laws 1982 (3rd S.S.), ch. 1, § 41.

§ 2-8B-42. Senate district thirty-five.

Senate district thirty-five shall be composed of Sierra, Luna and Hidalgo counties.

History: Laws 1982 (3rd S.S.), ch. 1, § 42.

§ 2-8B-43. Senate district thirty-six.

Senate district thirty-six shall be composed of Dona Ana county precincts number 21, 41, 42, 43, 44, 45, 46, 47, 48, 51, 54, 55, 56, 57, 66, 67, 72, 73, 74, 75, 76, 77 and 78.

History: Laws 1982 (3rd S.S.), ch. 1, § 43.

§ 2-8B-44. Senate district thirty-seven.

Senate district thirty-seven shall be composed of Dona Ana county precincts number 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 16, 22, 23, 24, 25, 26, 27, 28, 29, 36, 38, 39, 40 and 49.

History: Laws 1982 (3rd S.S.), ch. 1, § 44.

§ 2-8B-45. Senate district thirty-eight.

Senate district thirty-eight shall be composed of Dona Ana county precincts number 15, 18, 30, 31, 32, 33, 34, 35, 37, 52, 53, 58, 59, 62, 63, 64, 65, 68, 69, 70 and 71.

History: Laws 1982 (3rd S.S.), ch. 1, § 45.

§ 2-8B-46. Senate district thirty-nine.

Senate district thirty-nine shall be composed of Lincoln county; Socorro county precincts number 1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 15 and 16; and Otero county precincts number 7, 11, 12, 13, 14, 15, 17, 18, 41, 42, 43, 44 and 54.

History: Laws 1982 (3rd S.S.), ch. 1, § 46.

§ 2-8B-47. Senate district forty.

Senate district forty shall be composed of Otero county precincts number 1, 2, 3, 4, 5, 6, 16, 21, 22, 23, 24, 31, 32, 33, 34, 51, 52 and 53.

History: Laws 1982 (3rd S.S.), ch. 1, § 47.

§ 2-8B-48. Senate district forty-one.

Senate district forty-one shall be composed of Lea county precincts number 24, 25, 31, 32, 33, 34, 35, 36, 51, 52, 53, 54, 61, 62, 71, 72, 73, 74, 75 and 76.

History: Laws 1982 (3rd S.S.), ch. 1, § 48.

§ 2-8B-49. Senate district forty-two.

Senate district forty-two shall be composed of Lea county precincts number 1, 2, 3, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 26, 41, 42, 43, 44 and 64 and Roosevelt county precincts number 3, 5, 6 and 11.

History: Laws 1982 (3rd S.S.), ch. 1, § 49.

§ 2-8B-50. Elimination of unequal staggering; declaration of intent.

The legislature declares that:

- A. the constitution of New Mexico does not require staggered terms for senators;
- B. only once since statehood has the apportionment law for the senate provided for staggered terms for an equal number of senators;
- C. it was the intent of the 1972 Senate Reapportionment Act that the senate no longer be staggered with respect to the terms of its members; however, because of a special court ruling, there is a de facto unequal staggering of terms in that thirty-five members of the senate are elected at one general election, and seven members of the senate are elected at the subsequent general election;
- D. such unequal staggering is contrary to the intent of the legislature and serves no functional or theoretical purpose;

E. it is in the best interest of the senate and the state that all such unequal staggering be abolished and that it is better to achieve this end by the extension of the terms of seven members than by reducing the elected terms of thirty-five members; and

F. it is the intent of the 1982 Senate Reapportionment Act [2-8B-1 to 2-8B-51 NMSA 1978] that all members of the senate be elected at the same general election for the same term of office, except where necessary to fill a vacancy in the office of a senator for the remainder of the unexpired term.

History: Laws 1982 (3rd S.S.), ch. 1, § 50.

ANNOTATIONS

Compiler's notes. - The 1972 Senate Reapportionment Act, referred to in Subsection C, was compiled as 2-8-1 to 2-8-53 NMSA 1978, before being repealed in 1982.

Constitution does not require staggered terms. - The decision in *Beauchamp v. Campbell*, Civ. No. 5778 (D.N.M. 1966) (unreported), invalidated the staggered terms requirement in the first paragraph of art. IV, § 4 of the Constitution of New Mexico, and there is thus no enforceable provision in the constitution that requires staggered terms for senators. 1988 Op. Att'y Gen. No. 88-06.

§ 2-8B-51. First election of senators.

The first election of members of the senate after the effective date of the 1982 Senate Reapportionment Act (2-8B-1 to 2-8B-51 NMSA 1978) shall be at the general election in 1984.

History: Laws 1982 (3rd S.S.), ch. 1, § 51.

Article 9 Sessions

2-9-1. Regular sessions; designation.

§ 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 § 36.

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.

2-10-2. Director of the legislative education study committee staff.

2-10-3. Duties of the committee.

2-10-4. Compensation of members of the committee; staff travel.

2-10-5. Expenditure of funds.

§ 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

Temporary provisions. - Laws 1986, ch. 33, § 32 provides that the state department of public education, in conjunction with the legislative education study committee, shall study the programs for the gifted, including the eligibility criteria, the lack of uniformity of tests administered, and the overall delivery of services for gifted students, and report to the first session of the thirty-eighth legislature any recommendations pertaining to these programs.

Appropriations. - Laws 1983, ch. 1, § 9, appropriates \$170,000 to the legislative education study committee for salaries and expenses of the committee for the seventy-second fiscal year.

Laws 1983, ch. 1, § 14, makes the act effective immediately. Approved February 2, 1983.

Laws 1985 (1st S.S.), ch. 1, § 5 appropriates \$261,517 from the general fund to the legislative education study committee for salaries and other expenses in the seventy-fourth fiscal year.

Laws 1985 (1st S.S.), ch. 1, § 7 provides that the amounts set out in §§ 3, 4, 5 and 6 of the act are provided for informational purposes only and may be freely transferred among categories.

Laws 1985 (1st S.S.), ch. 1, § 8 makes the act effective immediately. Approved May 11, 1985.

Laws 1986, ch. 1, § 9 appropriates \$251,845 to the legislative education study committee for the seventy-fifth fiscal year for designated expenses up to designated

maximum amounts, to be disbursed on vouchers signed by the chairman of the committee or his designated representative.

Laws 1986, ch. 1, § 10 provides that the amounts appropriated in §§ 7, 8, and 9 of the act are for informational purposes only and may be freely transferred among categories.

Laws 1986, ch. 1, § 11 makes the act effective immediately. Approved February 4, 1986.

Laws 1987, ch. 2, § 9 appropriates \$257,200 from the general fund to the legislative education study committee for personal services and other expenses in the seventy-sixth fiscal year.

Laws 1987, ch. 2, § 10 provides that the amounts appropriated in §§ 7, 8 and 9 of the act are for informational purposes only and may be freely transferred among the categories.

Laws 1987, ch. 2, § 11 makes the act effective immediately. Approved February 2, 1987.

Laws 1988, ch. 1, § 9, effective January 28, 1988, appropriates \$315,000 to the legislative education study committee for the seventy-seventh fiscal year, for designated purposes up to designated amounts, to be disbursed on vouchers signed by the chairman of the committee or his designated representative.

Laws 1988, ch. 1, § 11, effective January 28, 1988, provides that the amounts set out in sections 7, 8 and 9 of the act are provided for informational purposes only and may be freely transferred among categories.

Laws 1989, ch. 1, § 9, effective January 26, 1989, appropriates \$386,300 from the general fund to the legislative education study committee for salaries and other expenses in the seventy-eighth fiscal year.

Laws 1989, ch. 1, § 11 provides that amounts set out in § 9 of the act are provided for informational purposes only and may be freely transferred among categories.

Laws 1990, ch. 1, § 9, effective January 24, 1990, appropriates \$411,000 from the general fund to the legislative education study committee for the seventy-ninth fiscal year for personal services and expenses.

Laws 1990, ch. 1, § 12, effective January 24, 1990, provides that the amounts set out in Sections 7, 8 and 9 of the act are for informational purposes only and may be freely transferred among categories.

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

The 1982 amendment inserted "legislative" in the catchline and deleted "with the approval of the legislative council" at the end of the last sentence.

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. 85-2.

§ 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. - As to 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. - As to 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.

ANNOTATIONS

The 1982 amendment inserted "legislative education study" and substituted "chairman or his designee subject to committee approval" for "director, under a budget approved by the legislative council."

Emergency clauses. - Laws 1982, ch. 97, § 6, makes the act effective immediately. Approved March 9, 1982.

Appropriations. - Laws 1983, ch. 23, § 9, amends Laws 1982, ch. 97, § 3, to appropriate \$152,880 from the general fund to the legislative education study committee for operating expenses for the seventy-first fiscal year and provides that any

unexpended or unencumbered balance remaining at the end of the seventy-first fiscal year shall revert to the general fund.

Laws 1983, ch. 23, § 11, provides for the severability of the act if any part or application thereof is held invalid.

Laws 1983, ch. 23, § 12, makes the act effective immediately. Approved March 15, 1983.

Article 11

Lobbyist Regulation

- 2-11-1. Short title.
- 2-11-2. Definitions.
- 2-11-3. Registration; filing; publication of names; amendment.
- 2-11-4. Enforcement of act; investigations by the attorney general; duties of the secretary of state.
- 2-11-5. Other powers and duties of attorney general not limited or restricted.
- 2-11-6. Statement to be filed; contents; reporting periods.
- 2-11-7. Registration and statement of expenditures; preservation as public record.
- 2-11-8. Contingent fees prohibited in lobbying the legislative branch of state government.
- 2-11-9. Penalties.

§ 2-11-1. Short title.

This act [2-11-1 to 2-11-9 NMSA 1978] may be cited as the "Lobbyist Regulation Act."

History: 1953 Comp., § 2-13-1, enacted by Laws 1977, ch. 261, § 1.

ANNOTATIONS

Am. Jur. 2d, A.L.R. and C.J.S. references. - 51 Am. Jur. 2d Lobbying §§ 8, 14.
Validity and construction of state and municipal enactments regulating lobbying, 42 A.L.R.3d 1046.
82 C.J.S. Statutes §§ 6, 7.

§ 2-11-2. Definitions.

As used in the Lobbyist Regulation Act [2-11-1 to 2-11-9 NMSA 1978]:

A. "compensation" means any money, per diem, salary, fee, or any portion thereof, or their equivalent in services rendered or in-kind contributions, received or to be received, in return for lobbying services performed or to be performed;

B. "contribution" means a loan, gift, forgiveness of indebtedness, donation, pledge or their equivalent in services rendered and includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund-raising events and the granting of discounts or rebates not extended to the public generally;

C. "expenditure" means a payment, contribution, subscription, distribution, loan, advance, deposit or gift of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure but does not include 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;

D. "lobbying" means attempting to influence any 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;

E. "lobbyist" means any individual who is compensated for lobbying or who in the course of his employment lobbies except:

(1) any elected officer of the state or its political subdivisions acting in his official capacity;

(2) a member of the legislature, the staff of any member of the legislature or the staff of any legislative standing or interim committee;

(3) any witness called by any legislative committee to appear before that legislative committee on behalf of or in opposition to legislation; or

(4) any individual who merely appears for himself before a committee of the legislature to testify in support of or in opposition to legislation;

F. "lobbyist's employer" means the person whose interests are being lobbied and by whom a lobbyist is directly or indirectly retained or employed;

G. "person" means an individual, partnership, committee, a federal, state or local governmental entity or agency however constituted, association, public or private

corporation and any other organization or group of persons who are voluntarily acting in concert; and

H. "prescribed form" means a form prepared and prescribed by the secretary of state.

History: 1953 Comp., § 2-13-2, enacted by Laws 1977, ch. 261, § 2; 1985, ch. 16, § 1.

ANNOTATIONS

The 1985 amendment substituted "individual" for "person" in the introductory paragraph in Subsection E, substituted "any legislative committee to appear before that legislative committee on behalf of or in opposition to legislation" for "any legislative committee and compensated wholly or in part by public funds" in Subsection E(3) and substituted "the person whose interests are being lobbied and by whom a lobbyist is directly or indirectly retained or employed" for "the person by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist" in Subsection F.

Effective dates. - Laws 1985, ch. 16 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective on June 14, 1985.

§ 2-11-3. Registration; filing; publication of names; amendment.

A. In the month of January prior to each regular session or the fourteen days immediately preceding any special session of the legislature or before any service covered by the Lobbyist Regulation Act [2-11-1 to 2-11-9 NMSA 1978] commences, any individual who is employed or retained as a lobbyist shall register with the secretary of state by paying a filing fee of twenty-five dollars (\$25.00) for each registration statement and by filing a registration statement under oath on a prescribed form showing:

(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. No registration fee shall be required of individuals receiving only reimbursement of personal expenses and no other compensation or salary for lobbying.

B. 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) a written statement from each of the lobbyist's employers authorizing him 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 his 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.

C. 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, the lobbyist shall notify the secretary of state within one month of such occurrence and shall furnish full information concerning such modification or termination.

History: 1953 Comp., § 2-13-3, enacted by Laws 1977, ch. 261, § 3; 1985, ch. 16, § 2.

ANNOTATIONS

The 1985 amendment substituted "individual" for "person" near the middle and inserted "paying a filing fee of twenty-five dollars (\$25.00) for each registration statement and by" near the end of the introductory paragraph in Subsection A and added the last sentence in Subsection A(2).

Effective dates. - Laws 1985, ch. 16 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective on June 14, 1985.

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.

§ 2-11-4. Enforcement of act; investigations by the attorney general; duties of the secretary of state.

A. The secretary of state shall adopt procedures for processing complaints and notifications of violations.

B. Upon the sworn complaint of any person who has reason to believe, and presents an affidavit listing the basis for such complaint, that there is, or has been, a violation of the Lobbyist Regulation Act [2-11-1 to 2-11-9 NMSA 1978], the attorney general shall investigate the allegation when there is reason to believe such person, lobbyist or lobbyist's employer is, or has been, acting in violation of the Lobbyist Regulation Act.

C. When the attorney general has reason to believe that any person, lobbyist or lobbyist's employer has violated or is violating any provision of the Lobbyist Regulation Act, he shall notify the suspected violator of the alleged violation and hold an informal hearing before initiating further action. The attorney general shall bring a civil action to force compliance with the requirements of the Lobbyist Regulation Act or to revoke the lobbyist's registration and enjoin his lobbying activities for a period not to exceed three years.

History: 1953 Comp., § 2-13-4, enacted by Laws 1977, ch. 261, § 4.

§ 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 [2-11-1 to 2-11-9 NMSA 1978] 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. Statement to be filed; contents; reporting periods.

A. Each lobbyist shall file with the secretary of state on a prescribed form a sworn statement containing the totals of all expenditures by category made or incurred by the lobbyist for lobbying purposes. If the lobbyist has incurred no expenditures, the lobbyist shall file a sworn statement stating that no expenditures have been incurred. The statements required under the provisions of this section shall be filed:

(1) upon filing a registration statement for all pre-session or other lobbying expenses incurred up to the date of filing and not previously reported; and

(2) prior to the sixtieth day after the end of any regular or special session for all lobbying expenses incurred since the last filing.

B. The totals as provided for under Subsection A of this section shall include but are not limited to the following:

(1) entertainment, including food and beverage;

(2) advertising; and

(3) contributions, including political contributions.

C. A lobbyist's personal living expenses and the expenses incidental to establishing and maintaining an office in connection with lobbying activities need not be reported.

D. Each expenditure in excess of fifty dollars (\$50.00) made to or for the benefit of any one legislator or employee of the legislature or any one state officer or state employee shall be identified by date, amount and name of the individual receiving or to be benefited by each such expenditure.

E. A lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers and documents necessary to substantiate the financial statements required to be made

under the Lobbyist Regulation Act [2-11-1 to 2-11-9 NMSA 1978] for a period of two years from the date of filing of the statement containing such items. When the lobbyist is required under the terms of his employment to turn over any such records to his 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.

F. Any lobbyist's employer who also engages in lobbying shall comply with the provisions of the Lobbyist Regulation Act.

History: 1953 Comp., § 2-13-6, enacted by Laws 1977, ch. 261, § 6; 1985, ch. 16, § 3.

ANNOTATIONS

The 1985 amendment added the second sentence in Subsection A.

Effective dates. - Laws 1985, ch. 16 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective on June 14, 1985.

§ 2-11-7. Registration and statement of expenditures; preservation as public record.

Each lobbyist's registration and statement of expenditures as required by the Lobbyist Regulation Act [2-11-1 to 2-11-9 NMSA 1978] shall be preserved by the secretary of state for a period of two years from the date of filing as a public record, open to public inspection at any reasonable time.

History: 1953 Comp., § 2-13-7, enacted by Laws 1977, ch. 261, § 7.

ANNOTATIONS

Cross-references. - As to inspection of public records, see 14-2-1 NMSA 1978 et seq. For Public Records Act, see 14-3-1 to 14-3-16 NMSA 1978.

§ 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.

§ 2-11-9. Penalties.

Any person who knowingly violates any of the provisions of the Lobbyist Regulation Act [2-11-1 to 2-11-9 NMSA 1978] is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000).

History: 1953 Comp., § 2-13-9, enacted by Laws 1977, ch. 261, § 9.

ANNOTATIONS

Severability clauses. - Laws 1977, ch. 261, § 11, provides for the severability of the act if any part or application thereof is held invalid.

Article 12 Oversight Committees

2-12-1. Industrial and agricultural finance authority oversight committee created.

2-12-2. Membership; appointment; vacancies.

2-12-3. Industrial and agricultural finance authority oversight committee; powers and duties.

2-12-4. Legislative oversight committee.

2-12-5. Mortgage Finance Authority Act oversight committee; powers and duties.

§ 2-12-1. Industrial and agricultural finance authority oversight committee created.

There is created a joint interim legislative committee which shall be known as the "industrial and agricultural finance authority oversight committee."

History: Laws 1983, ch. 300, § 24.

ANNOTATIONS

Emergency clauses. - Laws 1983, ch. 300, § 29, makes the act effective immediately. Approved April 7, 1983.

Am. Jur. 2d, A.L.R. and C.J.S. references. - 72 Am. Jur. 2d States, Territories, and Dependencies §§ 50 to 54.
81A C.J.S. States § 55.

§ 2-12-2. Membership; appointment; vacancies.

The industrial and agricultural finance authority oversight 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 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; provided, in no event shall either of such parties have less than one member from each house on the committee. Vacancies on the committee shall be filled by the legislative council.

History: Laws 1983, ch. 300, § 25.

ANNOTATIONS

Emergency clauses. - Laws 1983, ch. 300, § 29, makes the act effective immediately. Approved April 7, 1983.

§ 2-12-3. Industrial and agricultural finance authority oversight committee; powers and duties.

The industrial and agricultural finance authority oversight committee shall have the power to:

- A. monitor the actual distribution of funds derived by the authority from bond issues and other activities of the authority under the provisions of the Industrial and Agricultural Finance Authority Act [58-24-1 to 58-24-23 NMSA 1978];
- B. monitor the authority in its control of the issuance of securities and loans;
- C. meet on a regular basis to receive and evaluate periodic reports from the authority as to its enforcement of the provisions of the Industrial and Agricultural 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: Laws 1983, ch. 300, § 26.

ANNOTATIONS

Emergency clauses. - Laws 1983, ch. 300, § 29, makes the act effective immediately. Approved April 7, 1983.

Severability clauses. - Laws 1983, ch. 300, § 28, provides for the severability of the act if any part or application thereof is held invalid.

§ 2-12-4. Legislative oversight committee.

There is created the "Public Safety Department oversight committee" to be composed of four members of the senate appointed by the senate committees' committee, no more than two of which shall be of the same political party, and four members of the house of representatives appointed by the speaker, no more than two of which shall be of the same political party. That committee shall have opportunity to review any rules or regulations proposed to be adopted by the secretary prior to their promulgation. The committee shall make a report of its findings and recommendations to the second session of the thirty-eighth legislature with any suggested legislative changes deemed necessary to improve the operation of the department.

History: Laws 1987, ch. 254, § 11.

§ 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.

Article 13

Legislative Health and Human Services Committee

- 2-13-1. Creation of committee; members; appointment; terms.
- 2-13-2. Duties of the committee.
- 2-13-3. Subcommittees.

2-13-4. Report.

2-13-5. Staff.

§ 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

Emergency clauses. - Laws 1989, ch. 349, § 7 makes the act effective immediately. Approved April 7, 1989.

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

Emergency clauses. - Laws 1989, ch. 349, § 7 makes the act effective immediately. Approved April 7, 1989.

§ 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.

ANNOTATIONS

Emergency clauses. - Laws 1989, ch. 349, § 7 makes the act effective immediately. Approved April 7, 1989.

§ 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.

ANNOTATIONS

Emergency clauses. - Laws 1989, ch. 349, § 7 makes the act effective immediately. Approved April 7, 1989.

§ 2-13-5. Staff.

The staff for the committee shall be provided by the legislative council service.

History: Laws 1989, ch. 349, § 5.

ANNOTATIONS

Emergency clauses. - Laws 1989, ch. 349, § 7 makes the act effective immediately. Approved April 7, 1989.