

# Legislative Council Service

## Information Memorandum

DATE: July 25, 2025

**DISCUSSION DRAFT**

TO: Legislative Interim Committee Working Group

FROM: Jonelle Maison

SUBJECT: LEGISLATIVE INTERIM COMMITTEES — HISTORY AND STUDIES —  
RECOMMENDATIONS

You have requested information concerning the history of legislative interim committees and legislative process reform efforts. The following is submitted in response to your request. Any opinions expressed are those of the author and do not necessarily reflect the opinion of the Legislative Council Service or members of its staff.

The senior legislative librarian, Joanne Montague, was a great help in locating historical and statistical information, for which I want to express my appreciation and thanks. Marisa Garcia-Hart and William Mason helped compile data for the report, and I extend my thanks to them as well. The legislative library has a significant collection of historical information and statistical data on New Mexico and other state legislatures for anyone interested in delving deeper into the evolution of state legislatures, particularly New Mexico's — ours turns out to be a very interesting story.<sup>1</sup>

Most of the research sources on committees, both national and local, were concerned with standing committees, but many points are applicable to interim committees.

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<sup>1</sup> At the start, scandal in the House of Representatives; in the Senate, multiple ballots throughout the session to choose the two United States senators: Rep. Thomas Catron and Chief Justice Albert Fall.

There are 24 in-state interim obligations that members are assigned to, which number does not include: 1) the Uniform Law Commission or Educational Commission of the States (both of which only involve two legislators); or 2) members' attendance at national legislative meetings. When the discussion is generally about interim committees, I also exclude the following: 1) the Capitol Buildings Planning Commission, which is an interagency committee; 2) the Legislative Ethics Committee, which meets only as required by a filed complaint; and 3) the Senate Rules Committee, which is a standing committee that is constitutionally allowed to meet in the interim. Note that while not included in this report, those committees consist of legislative members whose obligations to them may affect other committees' attendance.

### **Ancient History**

After the much-anticipated<sup>2</sup>, hotly debated question of statehood for New Mexico was finally resolved, the legislature opened on March 11, 1912, with 49 representatives and 24 senators. New Mexico had 26 counties and a statewide population of around 338,000. The newly elected speaker, Roman L. Baca, enumerated in his first speech to the house a daunting list of items the first legislature needed to grapple with.<sup>3</sup> And so began the legislature's task of creating a state, helped by each chamber's standing committees, to which were referred bills, resolutions and memorials for vetting and recommending to the larger body.<sup>4</sup>

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<sup>2</sup> The struggle for statehood took 65 years.

<sup>3</sup> To be clear, the 1912 legislature was not staring into an empty abyss; the territorial legislatures had been active in creating organizational, administrative and substantive laws governing most areas of territorial residents' lives. The first territorial legislature introduced bills calling for the organization of common schools, the clarification of contracts made under Mexican rule and the raising of revenue. It also passed measures providing for a census, requiring a translation into Spanish of the United States Constitution and, the beginning of the beginning, a bill calling for a convention to devise ways and means to effect the permanent annexation of New Mexico to the United States as a territory. But that list: finances (e.g., the state was now responsible for government expenses that had heretofore been paid by the United States government); taxation; debt, including militia warrants (aka bounty-land warrants, payments in land to United States veterans, a system ripe for abuse through land speculation); selection and management of lands granted to the state; the fixing of salaries of elected officials; and the elimination from the Constitution of New Mexico of the requirement that candidates for public office must speak English (the People repealed it later that year).

<sup>4</sup> And the first investigation committee was created. The House of Representatives appointed a 15-member committee to investigate bribery charges against four House members. After much wrangling and dueling reports to the body from factions of the committee being spread across the *House Journal*, the four were suspended; a later vote exonerated them. But what a way to start a state!

The House of Representatives named 28 standing committees and the Senate named 21 to accomplish the work of the first legislative session. Some of the same procedural committees, such as Enrolling and Engrossing and Printing and Supplies, and substantive committees, such as finance, judiciary and education, have continued; others were peculiar to a particular time, such as for railroads, public defense, post-World War I reconstruction and temperance. The legislature met again in a second regular session of the first legislature in 1913. Between statehood and 1955, House and Senate standing committees vacillated in their number as the perceived needs of each chamber changed. 1955 saw substantial reform in legislative process and procedure, including the reduction of House standing committees from 24 to 16 and Senate standing committees from 20 to eight. In the Senate, members were limited to service on two committees, except the majority leader, who served on one committee and was an ex-officio<sup>5</sup> member on all others. Committee meetings were scheduled only twice a week at prearranged and prescheduled times.

Most of the assistance that the legislature was given in the early days came from the attorney general, who did the drafting for members. The legislature created the Legislative Reference Bureau in Laws 1937, Chapter 190 to be responsive to the legislature, the governor and state agencies; former Justice Tom W. Neal was appointed as the first director. After an extremely acrimonious attempt to repeal the law in 1939, the repeal was accomplished in 1941.

In 1912, the first session, the legislature impaneled a special investigating committee to investigate bribery accusations against four representatives; its work was completed and a final vote of the House exonerated the four.<sup>6</sup> Laws 1935, Chapter 3 created a House Investigating Committee to investigate the conduct of elections, and the law provided that any investigating committee "may continue to sit and function after the adjournment of the Legislature, until the matter under investigation has been completed". In addition to that committee, the law provided

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<sup>5</sup> I think "advisory" was the word meant. "Ex officio" means by virtue of the office, and the term itself does not address voting or membership regularity status.

<sup>6</sup> The 1912 *House Journal* is a fascinating read about the players and the politics of this scandal. People who were or became very famous in New Mexico history were involved in the accusations; two of the major characters in the tale, Rep. Thomas Catron and Chief Justice Albert Fall, were vying for appointment as the state's first senators, and eventually won the plum after multiple ballots in the Senate. The other famous character was Elfege Baca, who filed the complaint against them. It should have been a movie, or at least a made-for-TV story.

that all investigating committees had summons and subpoena powers and the power to administer oaths, which points to a standing committee turning into an interim committee, or the creation of a new type of committee that is not beholden to time limits. There were several investigating committees created in the early years.

The New Mexico Legislature had a limited history of creating special joint standing committees during the early years. In 1917, a joint committee was created to assist in the arrangements for the funeral of Governor E. C. de Baca. In 1923, a committee of four representatives and four senators met to revise the Education Code. In 1933, there was a joint committee of three representatives and three senators that met on taxation and revenue issues. In 1935, a joint committee investigated the physical condition and running of the executive mansion. In 1941, the legislature assigned a committee to study the public and private resources to aid the blind (the committee's standing or interim status was not specified), and in 1943, during the experiment with two-term sessions, a joint committee was created to study and recommend necessary legislation relating to the blind to the second term of that session.

During World War II, over the course of the three regular sessions between 1941 and 1945, the legislature experimented with split sessions, which consisted of two 30-day working periods separated by a 30-day recess. The People authorized split sessions by passing Constitutional Amendment (CA) 3 in 1940 and reversed course by passing CA 1 in 1946. Also in the 1940s, the question of whether a committee was a continuing standing or an interim committee became a little clearer when joint committees were created to serve in the interim between odd-numbered-year sessions. It was still not as clear as it is today, though maybe that is more a matter of knowing the systems and the language of the time in which one works.

By the pivotal, legislative history-making 1951-1953 biennium, when the House consisted of 55 members and the Senate consisted of 24 members in 1951 and 31 in 1953, the House had 23 standing committees and the Senate had 20; standing committees consisted of 6 to 19 members in the House and 5 to 16 in the Senate.<sup>7</sup>

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<sup>7</sup> One eager member, Sen. T.E. Lusk, was assigned to eight standing committees in what appears to be his first session, 1953; he apparently reconsidered in 1955, serving on only two committees — though he was a vice chair that session. He was also appointed to the New Mexico Legislative Council in 1955.

### **The Somewhat Modern Beginning**

The New Mexico Legislative Council (council) and the Legislative Council Service (LCS) were created by Laws 1951, Chapter 182. The council was created as a joint legislative committee (notice the absence of the word "interim") composed of nine legislative members — five representatives and four senators — and the lieutenant governor. Its membership was increased in 1955 to include the president pro tempore of the senate (instead of the lieutenant governor), the speaker of the house, five senators appointed by the Senate Committees' Committee and six representatives appointed by the speaker. In 1957, the council was made a permanent joint **interim** committee, and the law made clear that the LCS was a legislative agency and must pay strict regard to separation of powers (Section 2-3-2 NMSA 1978). It was still expected to assist state agencies, but the law enshrined that its first service belongs to legislators. Over time, council membership has increased to 16 members, and there are currently six advisory members. The LCS's allegiance still belongs to legislators and the legislative branch.

The 1951 law allowed the council to create interim committees, and the council decided at one of its first meetings that it would establish such committees as needed and appoint other legislators as members to those committees.<sup>8</sup> Currently, in addition to the three permanent committees, there are one constitutional and 13 statutory committees out of 24 interim committees (all counted but the two national committees).

Early attempts to have council-created interim committees were not very productive, although one such committee produced a proposed code of legislative ethics and another resulted in a memorandum on the organization of a new compilation (NMSA 1953). A primary difficulty was a lack of money with which to reimburse members for expenses; another was the reluctance of the council and staff to undertake expensive reports without an expression of interest or

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<sup>8</sup> It is interesting that, having made the decision to include other legislators, the council then created a number of subcommittees that appear to have consisted only of a small number of council members — most of them two or three in number, some consisting of only one member.

authorization from the legislature.<sup>9</sup> In the enabling legislation for the council and the LCS, the legislature appropriated \$10,000 for the 39th fiscal year and \$25,000 for each of the 40th and 41st fiscal years for the expenses of the council and the LCS. At the time, per diem was \$15.00 per day and mileage was ten cents.

In 1954, the LCS issued an information memorandum to Sen. T.E. Lusk and Rep. Floyd Darrow entitled, *Problems of Legislative Reorganization With Reference to New Mexico*. The in-depth memo was developed for use by Rep. Darrow, chairman of the Western Interstate Committee on Legislative Procedures, at that committee's September 7, 1954 meeting in San Francisco. The memo referenced the Council of State Governments' 1948 revised edition of *Our State Legislatures: Report of the Committee on Legislative Processes and Procedures* and the 1954 report of the American Political Science Association's Committee on American Legislatures entitled, *American State Legislatures*. The memorandum authors opined that, taken together, these two reports presented a consensus of the generally agreed-upon observations and conclusions concerning state legislatures. These reports were mostly concerned with standing committees and the consideration of the utility of employing joint standing committees to eliminate or ameliorate duplication of effort and improve legislative effectiveness. Both reports recommended the use of a *limited number* of interim committees to investigate the most important subjects of legislation and propose suitable legislation in advance of sessions<sup>10</sup> [emphasis added].

There have been numerous studies over the last 74 years — make that 113 years — looking at ways to improve New Mexico's legislative process. Early studies were focused on efficiency, but as Paula Tackett, then-director of the LCS, testified to the 2002 Subcommittee on

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<sup>9</sup> Two early LCS reports prepared for interim committees were published through grants. *The Community Property Law*, by Assistant Director Joe Wood for an interim committee of the Senate Judiciary Committee, was published as a hardbound book through a \$1,500 grant from the State Board of Finance, and Inez Gill's *An Index to the Revenue Sources of the State of New Mexico* prepared for the council was first published for LCS by the state comptroller. The *Index* became a recurring publication of the LCS. The 1953-1955 investigating committee's 101-page report, *State Investigating Committee on the Girls' Welfare Home, the Industrial School and the Penitentiary*, was published in 1955, as was the 326-page *Staff Report to the Joint Interim Examining and Licensing Committee* in 1956.

<sup>10</sup> The recommendation was that standing committees should be reduced in number wherever practicable and organized with regard to related subject matter, equalization of work and cooperation between legislative houses.

Legislative Process, the goal should be less about efficiency and more about effectiveness.<sup>11</sup> The making of law in a democracy demands a slow, deliberative process because legislating is serious business. Those like lobbyists and reporters who decry what they call "inefficiency" often miss the point. Laws happen when consensus, or at least majority, has been built not just with legislators, but with the governor and, most importantly, with constituencies of interest and voters. And, it is hoped, after all the bugs have been worked out.<sup>12</sup> It has been an axiom in New Mexico that complex or contentious bills take two or more attempts before passage, though bills that had been studied by an interim committee used to make passage a bit swifter. Think about how long it took to repeal the death penalty or to ban cockfighting, for two extremely contentious examples. Other examples abound, like mandatory financial responsibility on motor vehicles; seatbelts, first for passenger cars and eventually for pickups; workers' compensation reform; open containers of alcohol in motor vehicles; and drive-up liquor stores ... the list goes on.

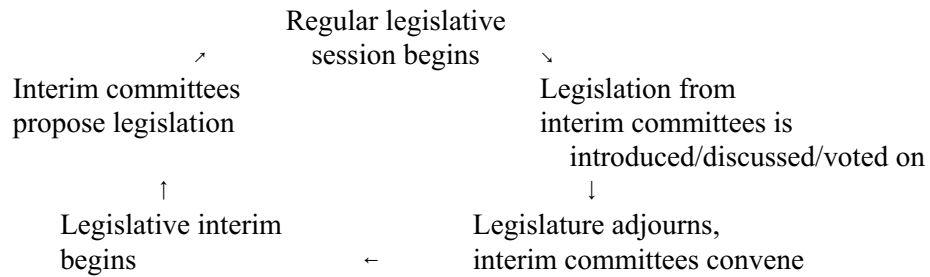
However, in the process from idea to law, very little about legislating militates against effective and efficient administration of the legislative branch, including the conduct of interim studies. On this topic, the bottom-line question may simply be, "Are this committee and its charge still relevant, and is the committee producing results the legislature needs to determine state policy?". The next question might be, "Are other committees duplicating its work, or can an existing committee take over its work?".

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<sup>11</sup> It has been said that effectiveness is doing the right thing; efficiency is doing things right.

<sup>12</sup> I think it fair to say that we all, legislators, drafters, lobbyists, special interests and constituents, want bills that minimize unintended consequences (well, unless they are good unintended consequences, but that is rarely true in Statutory World).

## Interim Committees<sup>13</sup>



In New Mexico, as in many states, standing committees function only during legislative sessions, and interim activities occur through interim committees, the exception being the Senate Rules Committee.<sup>14</sup> As has been the practice for decades in New Mexico, interim committees are bicameral in nature; however, that was not always the case, as many interim activities were single-house investigations, even after the creation of the council and the LCS.<sup>15</sup> The only

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<sup>13</sup> From *Legislative Performance in the States, Explorations of Committee Behavior* by the late Dr. Alan Rosenthal (1974): "If committees are to perform effectively, particularly with respect to overseeing the operations of the executive and reviewing and evaluating policies and programs ... "[t]hey will have to commit themselves to their own institution and identify themselves with its goals and objectives" (pp. 191-192) [*emphasis added*]. He used the most obvious example of veto override as an inflection point of legislative independence from the executive.

<sup>14</sup> Several states allow standing committees to function in the interim: California and Pennsylvania (full-time legislatures), Iowa, Minnesota, Montana, New Hampshire, New Jersey and West Virginia. See also Senate Resolution (SR) 3 (1953) in footnote 15. To do so in New Mexico might require a constitutional amendment, since the New Mexico Supreme Court has made it clear that the session is over at noon on the 60th or 30th calendar day from the third Tuesday in January, and all its business is concluded. The only exception is Article 4, Section 42 of the Constitution of New Mexico that allows a Senate standing committee responsible for confirmations to continue its work in the interim. The Senate Rules Committee is not an interim committee; it is a standing committee that is constitutionally allowed to meet in the interim.

<sup>15</sup> For example, in 1953, a particularly active session for committees, there were several interim committees created by law, resolution or memorial. Laws 1953, Chapter 68 created an interim joint committee named the State Legislative Investigating Committee, composed of 14 members, seven from each house appointed by the speaker and the president of the senate, to investigate the Girls' Welfare Home, the New Mexico Industrial School (now the New Mexico Boys' School) and the state penitentiary. SR 2 (1953) required the president of the senate to appoint a similarly charged committee of seven members to investigate irregularities at the penitentiary, and the House passed House Resolution (HR) 4, which created an investigatory committee that was required to report by the 40th day of that session. By SR 3, the Senate Judiciary Committee was extended as an interim committee to study community property law. SR 4 created a subcommittee of the standing Senate Committee on State and County Affairs to study the problem of public utility regulation. By House Memorial (HM) 18, the House directed the council to direct the LCS to study workers' compensation in New Mexico and other states, and the biennial report indicates that the council named a committee of eight representatives and two senators (one of whom was not named at time of the biennial report) to assist the study. HM 16 directed the LCS to conduct a wage-and-hour study in New Mexico industries not covered by the federal Fair Labor Standards Act, and the biennial report indicates that the council



single-house committees I remember during my tenure were committees appointed to develop the process and procedures for possible impeachment of state officials, one a Public Regulation Commission member and the other the state treasurer.

Service on interim committees is often seen as one way to influence policymaking at the beginning of the process instead of at the end, by which time views have become more ossified and nigh impossible to change. Many legislators believe in the educational function of interim committees to inform them of critical issues facing the state.<sup>16</sup> Additionally, leaders bestow the honor of interim chairships, and even memberships, at least as much, or more, for political reasons as for topical expertise. This bestowal has political value for the honorer and emotional as well as possible political value for the honoree.<sup>17</sup> The legislature's removal of these honor opportunities could be somewhat fraught, but it should be possible to balance politics and effectiveness, even efficiency.

#### *Types of Committees — Factors for Success*

Interim committees are divided into five types: 1) permanent; 2) oversight; 3) issue-oriented, such as the Courts, Corrections and Justice Committee and the Revenue Stabilization and Tax Policy Committee; 4) task-oriented, such as the Federal Funding Stabilization Committee and this working group; and 5) special, such as the Interim Legislative Ethics Committee. Committees come into being either by statute, which may provide for council appointment or some version of house and senate leadership appointments, or by appointment by the council in response to a law, a memorial or the council's own action.

Task forces, which are special committees, are most often created by statute, are task oriented and have (or should have) an end date. They differ from regular committees by the inclusion of members who are not legislators. Task forces may have appointing authorities other

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named an eight-member committee composed of six representatives and two senators to assist the study.

<sup>16</sup> While that is true, it is only true to the extent of a committee's membership, which even when large is limited to well below a majority of either house.

<sup>17</sup> The 1954 LCS memorandum "Problems of Legislative Reorganization With Reference to New Mexico" discusses the idea of the political and emotional value of such honors. (Jack Holmes, the first LCS director and co-author of the memorandum, had been a political science professor at the University of New Mexico before coming to the legislature.)

than the council; such an alternative authority is most often the governor, but statute may determine other appointing authorities. Legislative task forces may also include executive officers who are appointed *ex officio*.<sup>18</sup> Legislative task forces usually have more legislators than agency or public members and are staffed by legislative staff<sup>19</sup>, and committee expenses, including members' per diem and mileage<sup>20</sup>, are paid by the legislature, thus ensuring legislative independence. A legislator serves as chair or may co-chair with a public member; either a legislator or public member may serve as vice chair.

Dr. Alan Rosenthal, political scientist and legislative scholar, posited four important factors that determine committee performance and success:

1. **legislative capacity**, which includes division of labor and distribution of work, organization and resources. Of the factors that reflect legislative capacity, professional staff is the most crucial. Professional staff support clearly and substantially contributes to the optimal functioning and performance of committees;

2. **characteristics of legislative members**, including whether they are senior or junior legislators; how they view the committee and its mandate; what they seem willing to do; the kind of commitment they make to the legislature as an institution; and their relevant experience, including their experience serving on the committee or as a chair as well as topical knowledge. Rosenthal makes the point that in the development of public policy and the oversight of the implementation of public policy, there needs to be some *memory*, some continuity of service, on committees;

3. **effort made by committees**, meaning whether committees work seriously at their jobs in formulating policy or in being effective in an oversight role; and

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<sup>18</sup> *Ex officio*, by virtue of the office, has nothing to do with voting; if not otherwise provided, *ex-officio* members are voting members

<sup>19</sup> At the request of the council or the committee's chair to the appropriate executive official, executive employees may be tasked by their agencies to assist in staffing, but lead staff is legislative.

<sup>20</sup> As a general rule, the legislature does not pay per diem and mileage to state employees or other public employees whose agency pays per diem. Public members, as well as any other member, may choose to forgo payment.

4. **distribution of power in the political system**, meaning that performance relates to political influence, so that a committee is less likely to perform its functions well if it does not have political influence.<sup>21</sup>

A few recommendations from previous legislative process studies encouraged consistency regarding the appointment process, and there is a lot to be said for standardization of organizational provisions. However, practically speaking, there is usually little difference in inputs or outputs among committees based on how members or chairs are selected<sup>22</sup>. Where there is a difference is in the permanency of statutory committees for which the legislature has not included an end date. Council-created committees serve at the pleasure of the council; when one is no longer necessary, the council can decide not to continue it. Statutory committees, on the other hand, can go on forever, even if their original purpose or utility has ceased.<sup>23</sup> Perhaps such long life is worthwhile, but on the other hand, perhaps the ability to forge a dynamic response to changing conditions better serves the legislature, state agencies and the public. As well, when created in statute, such committees can over time be hamstrung by language in the statute that may run counter to more effective and efficient ways to conduct the business of the committee or the way in which a committee might approach its topic. None of the current statutory committees have end dates embedded in their legislation.<sup>24</sup>

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<sup>21</sup> When committee members continually see their efforts spurned, most obviously when committee endorsements are ignored, their satisfaction in their work may be affected.

<sup>22</sup> That being said, it is possible that ineffective chairs or dissatisfaction with the direction of a committee or even topical incompatibility (meaning a member is not interested or is opposed to the topic to be studied) may affect members' willingness to attend or support the committee's work. Training for chairs might be something for the council to consider to mitigate conflicts in committees.

<sup>23</sup> When that happens, an interim committee that had been created as a task-oriented committee becomes an issue-oriented committee and often goes well beyond its statutory charge.

<sup>24</sup> The current statutory committees are: the council, Legislative Education Study Committee, Legislative Finance Committee, Legislative Health and Human Services Committee, Military and Veterans' Affairs Committee, Mortgage Finance Authority Act Oversight Committee, New Mexico Finance Authority Oversight Committee (which includes oversight of the Border Authority), Public School Capital Outlay Oversight Task Force (originally created to oversee implementation of the *Zuni* lawsuit), Radioactive and Hazardous Materials Committee (created to oversee the negotiations with the federal government over the Waste Isolation Pilot Plant agreement, later expanded), Revenue Stabilization and Tax Policy Committee and Tobacco Settlement Revenue Oversight Committee. The Interim Legislative Ethics Committee and the Capitol Buildings Planning Commission are also statutory, but the Interim Legislative Ethics Committee only meets if a complaint is filed, and the Capitol Buildings Planning Commission is an interagency group rather than an interim committee. As discussed, the Senate Rules

### *Time, Focus and Success*

Fun Fact: For the 2025 interim, from May 12 through December 31, there are 145 available working days in which to shoehorn 207 meeting days for the 21 committees that have regularly scheduled meetings.

The importance of interim committees, particularly in a part-time legislature, is in the gift of time: time to research, study and deliberate on policy issues and determine what recommendations should be presented to the next session of the legislature. That gift of time usually cannot be provided in a limited legislative session. However, it must be emphasized that time alone is not the cure-all. The time must be used effectively, which often means directed focus. Over time, the besetting sin<sup>25</sup> of some issue-oriented committees has been a lack of focus during a given interim — though, certainly, task-oriented committees have also been known to lose focus. In the usual five meetings, whether each is convened for two, three or five days at a time, how can a single committee research (via information memoranda from staff and substantive presentations from state agencies, other experts and interested persons), discuss, digest and determine policy recommendations and approve drafts on multiple topics? The gift of time does not necessarily lead to meaningful productivity.

The lack of focus sometimes exhibited by interim committees may lead to numerous bills presented for committee endorsement, some of which may be on topics not even discussed during the interim. Anecdotally, it is the sense of some legislators and legislative staff that committee endorsement has lost its significance, particularly endorsements from issue-oriented committees. In earlier years, when more interim committees tended toward task orientation, committee endorsements were perhaps more respected and the standing committees tended to give more credence to endorsed bills. A spot check of committee endorsements in the 2000s shows that few committees were successful with endorsements (note that not all committees endorsed bills in any given year, and in some years their ratios were better):

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Committee is a standing committee, not an interim committee, though it may take 10 senators away from other committees if it meets.

<sup>25</sup> A habitual sin that is difficult to resist and often leads to repeated failure.

- 2005** — the Courts, Corrections and Justice Committee endorsed 50 pieces of legislation; 4 chaptered and 1 vetoed;  
the Legislative Health and Human Services Committee endorsed 72 pieces of legislation; 2 bills chaptered and 1 memorial passed;  
the Revenue Stabilization and Tax Policy Committee endorsed 30 pieces of legislation; 5 chaptered, 1 vetoed and 1 not introduced;<sup>26</sup>  
the Water and Natural Resources Committee endorsed 10 pieces of legislation; 1 chaptered; and  
the Welfare Reform Oversight Committee endorsed 14 pieces of legislation; none passed.
- 2010** — the Courts, Corrections and Justice Committee endorsed 31 pieces of legislation; 6 chaptered, 6 vetoed (2 by pocket veto) and 4 not introduced;  
the Economic and Rural Development Committee endorsed 13 pieces of legislation; 1 chaptered, 1 vetoed and 3 not introduced;  
the Legislative Health and Human Services Committee endorsed 9 pieces of legislation; 1 vetoed and 2 not introduced;  
the Revenue Stabilization and Tax Policy Committee endorsed 9 pieces of legislation; 1 chaptered and 1 vetoed; and  
the Water and Natural Resources Committee endorsed 5 pieces of legislation; 1 memorial passed and 1 bill vetoed.
- 2015** — the Courts, Corrections and Justice Committee endorsed 14 pieces of legislation; 0 chaptered, 2 vetoed and 2 not introduced;  
the Economic and Rural Development Committee endorsed 5 pieces of legislation; 0 passed; and

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<sup>26</sup> This is quite the break from the old days. Then, when bills were endorsed, the committee expectation was not only that they would be introduced, but that a member willingly took prime sponsorship of a bill and every other committee member in that house was expected to sign on to the bill as a sponsor (unless, I guess, vehemently opposed to it; this was before the rule change allowing cross-house sponsorship).

the Legislative Health and Human Services Committee endorsed 22 pieces of legislation; 1 chaptered, 1 vetoed, 1 memorial passed, 1 not introduced.

**2020** — the Legislative Health and Human Services Committee endorsed 17 pieces of legislation; 1 chaptered.

**2021** — the Courts, Corrections and Justice Committee endorsed 18 pieces of legislation; 0 chaptered and 5 not introduced; and the Legislative Health and Human Services Committee endorsed 30 pieces of legislation; 1 chaptered and 14 not introduced.

**2022** — the Legislative Health and Human Services Committee endorsed 16 pieces of legislation; 1 chaptered, 2 not introduced.

**2023** — the Courts, Corrections and Justice Committee endorsed 16 pieces of legislation; 3 chaptered, 1 proposal for a constitutional amendment passed and 4 not introduced; and the Legislative Health and Human Services Committee endorsed 14 pieces of legislation; 1 chaptered.

**2024** — the Legislative Health and Human Services Committee endorsed 27 pieces of legislation; 7 chaptered, 1 vetoed and 3 not introduced.

Indiscriminate endorsement can become a disservice to the process, to the committee and its members, to the legislature and, also, to taxpayers and constituents. Just from those committees listed above, in eight sessions, that is 425 bills introduced, the significant majority of which failed to become law. It is for the sponsors, standing committees, chambers and governors to say why they were not successful, but the failure rate is high when one considers the effort put forward for each committee by attending members, staff and presenters.

#### *Attendance and Attention*

Attendance is a major issue for committees and the legislature. Standing committees may have the worst of the effort of attaining and keeping quorums because they are called upon to take votes at most meetings to move or stop legislation. However, quorums are a problem for interim committees as well. Without a quorum or the ability to meet council rules pertaining to

the devolvement into a special subcommittee, interim committee members who are in attendance cannot be paid.

It is worth noting that interim committees do not require only legislator attendance. State agencies and other experts are also called upon to provide information and presentations; each of the major cabinet departments often has to respond to several committees over the interim, including multiple appearances before the Legislative Finance Committee. With the modern habit of committees traveling throughout the state, having to present to multiple committees each interim puts a strain on agency resources, and not just financially. Time required to respond to multiple interim committees is time that is not being applied to an agency's primary mission. I used to joke that governors should appoint two secretaries for each major department, one to make presentations and one to manage the department. This interim work group might be interested in asking the major departments how much staff time and budget are charged to travel and presentations to interim committees. For small agencies with small budgets and small staffs, travel for interim committees can be a real hardship.

No legislator is required to serve on an interim committee. There is no rule or law requiring members to participate in interim committees.

Because of the proportionality standard, minority party members are often at a disadvantage when the number of committees is large and the number of members is also large. Depending on the majority-minority ratio in either house, each minority member who is willing will likely be assigned to more committees than his or her colleagues across the aisle. However, as New Mexico has a citizen legislature, not all legislators of either party have the time to serve on interim committees. That is certainly understandable, but what is less understandable is that legislators do not decline to serve when they know they cannot attend or give the assignment the attention it deserves.

Quorum chasing becomes a chore for staff for every meeting. They send meeting notices and follow up with one, two, three, perhaps more phone calls trying to get an attendance answer from enough legislators. In addition, when a quorum is not present, other LCS staff must contact appropriate leadership to have appointments of advisory members or other legislators made as one-time voting members, and it can become at least a nuisance for the committee when absent

members want a recap of agenda items at later meetings, particularly at the bill endorsement stage.

When creating statutory interim committees, the law usually, but not always, names the number of voting members. This provision becomes a constraint on the council when members are not attending meetings. For council-created committees, the chairs may request a member be replaced or the number of members be reduced for failure to attend.<sup>27</sup>

Below are tables covering committee attendance data for the last three legislative interims. V stands for voting and A stands for advisory.

<b><i>2024 Committees</i></b>	<b><i>Members V &amp; A</i></b>	<b><i>Meeting Days</i></b>	<b><i>Days V Quorum Lacking</i></b>	<b><i>Absent 50%+</i></b>	<b><i>Of Those Absent, Absent 100%</i></b>
Courts, Corrections and Justice	15 & 17	17	3	3V, 8A	2V
Economic and Rural Development and Policy	15 & 28	13	2	7V, 23A	5A
Indian Affairs	14V, 10A	13	2	6V, 9A	2V, 4A
Investments and Pensions	13V, 5A	6	1	5V, 3A	3V, 2A
Land Grant	13V, 9A	8	5	10V, 7A	3V, 3A
Health and Human Services	8V, 23A	25	6	2V, 14A	1V, 1A
Military Affairs	8V, 11A	3	0	2V, 6A	2V, 4A
Mortgage Finance	7V, 12A	5	1	3V, 6A	1V, 2A
NMFA	18V, 11A	9	3	8V, 8A	2V, 4A
Public School Capital Outlay	21V, 7A	5	4	10V, 7A	2V, 3A

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<sup>27</sup> The council might consider statutory amendments to allow the council to remove members or reduce membership on statutory committees for failure to attend, and the LCS can follow through by changing the enabling language to include such a provision. In addition, the council could encourage chairs of council-created committees to attend to the replacement/reduction provision provided in council policies.



<b><i>2024 Committees</i></b>	<b><i>Members V &amp; A</i></b>	<b><i>Meeting Days</i></b>	<b><i>Days V Quorum Lacking</i></b>	<b><i>Absent 50%+</i></b>	<b><i>Of Those Absent, Absent 100%</i></b>
Radioactive and Hazardous	12V, 5A	5	2	6V, 5A	1V
RSTP	18V, 9A	8	2	7V, 8A	6A
Science, Tech and Telecom	14V, 10A	11	7	8V, 8A	1V, 2A
Tobacco Settlement	6V, 3A	3	0	2V, 1A	2V, 1A
Transportation Infrastructure Revenue	13V, 10A	6	0	5V, 3A	2V, 2A
Water and Natural Resources	18V, 20A	11	3	5V, 18A	5A
Legislative Council	15V, 16A	8	0	3V, 11A	2A
Legislative Education	9V, 22A	20 <sup>28</sup>	1	1V, 20A	6A
Legislative Finance <sup>29</sup>	16V, 15A	33	1	1V, 10A	1V, 1A

<b><i>2023 Committees</i></b>	<b><i>Members</i></b>	<b><i>Meeting Days</i></b>	<b><i>Days V Quorum Lacking</i></b>	<b><i>Absent 50%+</i></b>	<b><i>Of Those Absent, Absent 100%</i></b>
Courts, Corrections and Justice	15V, 14A	14	5	8V, 7A	1A
Economic and Rural Development and Policy	21V, 23A	12	10	12V, 18A	2V, 4A
Health and Human Services	8V, 24A	20	0	2V, 16A	5A

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<sup>28</sup> There appear to be 22 meeting days, but two days of one meeting did not have attendance shown and are not counted.

<sup>29</sup> There were several changes in voting and advisory memberships over the interim. Statistics are for voting and standing advisory members; designees were not counted because they are required to attend only when designated by a voting member who will be absent.

<b>2023 Committees</b>	<b>Members</b>	<b>Meeting Days</b>	<b>Days V Quorum Lacking</b>	<b>Absent 50%+</b>	<b>Of Those Absent, Absent 100%</b>
Indian Affairs	16V, 9A	13	7	7V, 8A	1V, 2A
Investments and Pensions	13V, 5A	6	0	3V, 4A	1A
Land Grant	14V (13 on 8/25), 9A	8	5	10V, 9A	0
Military Affairs	8V, 11A	5	1	2V, 5A	1V, 2A
Mortgage Finance	8V, 12A	5	0	1V, 3A	2A
NMFA	21V, 11A	8	6	13V, 7A	2V, 2A
Public School Capital Outlay Task Force, public members	25V, 6A	5	3	9V, 6A	1V, 3A
Radioactive and Hazardous	12V, 4A	5	0	3V, 2A	1A
RSTP	18V, 9A	8	2	1V, 7A	1V, 5A
Science, Tech and Telecom	12V, 10A	9	5	6V, 8A	3A
Tobacco Settlement	6V, 3A	4	2	4V, 3A	1V
Transportation Infrastructure Revenue	13V, 10A	7	1	4V, 7A	2A
Water and Natural Resources	22V, 18A	12	6	10V, 15A	2A
Legislative Council	16V, 17A	6	0	14A	3A
Legislative Education	10/9V, 24A	21	2	2V, 17A	1V, 4A
Legislative Finance	16V, 13/12A	27 <sup>30</sup>	0	1V, 6A	1A

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<sup>30</sup> Four meeting days had no attendance data and are not reported.

<b><i>2022 Committees</i></b>	<b><i>Members V&amp;A</i></b>	<b><i>Meeting Days</i></b>	<b><i>Days V Quorum Lacking</i></b>	<b><i>Absent 50%+</i></b>	<b><i>Of Those Absent, Absent 100%</i></b>
Courts, Corrections and Justice	15V, 15A	8	1	5V, 13A	2V, 3A
Economic and Rural Development	18V, 26A	12	0	13V, 24A	2V, 9A
Health and Human Services	8V, 21A	19	7	3V, 17A	2A
Indian Affairs	17	14	4	9V, 9A	1V, 2A
Investments and Pensions	13V, 7A	6	0	3V, 6A	3A
Land Grant	11/12V, 7A	8	4	8V, 6A	1V, 2A
Military Affairs	8V, 10A	6	1	1V, 8A	3A
Mortgage Finance	8V, 12A	5	0	1V, 7A	2A
NMFA	22/21V, 14/15A	8	6	15V, 15A	1V, 6A
Public School Capital Outlay	*****				
Radioactive and Hazardous	12V, 5A	4	2	4V, 5A	1V, 3A
Rural Econ Opportunities	18V, 10A	8	6	12V, 8A	1V, 6A
RSTP	18V, 9A	8	0	3V, 8A	7A
Science, Tech and Telecom	11/12V, 12A	11	6	3V, 5A	2V, 2A
Tobacco Settlement	6V, 2A	6	0	2V, 1A	1V
Transportation Infrastructure Revenue	13V, 10A	7			
Water and Natural Resources	21/22V, 24A	9	3	7V, 15A	9A

<b><i>2022 Committees</i></b>	<b><i>Members V&amp;A</i></b>	<b><i>Meeting Days</i></b>	<b><i>Days V Quorum Lacking</i></b>	<b><i>Absent 50%+</i></b>	<b><i>Of Those Absent, Absent 100%</i></b>
Legislative Council	16V, 20A	6	0	2V, 13A	0
Legislative Education	10V, 22A	10	1	2V, 12A	5A
Legislative Finance	17V, 5A	31	1	1V, 3A	0

Attendance gets the most coverage when talking about interim committees, but committee member attention to committee proceedings is of equal importance. Inattention to presenters may factor into executive agencies not wanting to take the time or pay the expenses of traveling the state to present to several committees that do not pay them the courtesy of attention.

### ***Legislative Process Studies in the 21st Century***

The two most recent legislative process studies were undertaken in 2001-2002 by the Committee Process Study Subcommittee of the council in response to 2001's Senate Joint Memorial 64 and in 2006-2007 by the Legislative Structure and Process Study Task Force, also created by the council.

#### ***2001-2002 Committee Process Study Subcommittee***

This two-interim subcommittee of the council was charged with reviewing, studying and making recommendations on the roles, responsibilities, functions, structure and organization of the committee process and the necessary staff support for that process. The first year was dedicated to information gathering and analysis by the LCS, including a survey by the National Conference of State Legislatures (NCSL) of legislators, legislative staff and other interested persons. The second year, during which the subcommittee was created, involved the members reviewing the data and analyses and delving into surveys and interviews conducted in 2001 and during the 2002 session. Perhaps the most helpful exercise was a roundtable with subcommittee members and former legislators, including Fabian Chavez, former senate majority floor leader; Bruce King, former governor and speaker of the house; David Norvell, former attorney general and speaker of the house; C. Gene Samberson, former speaker of the house; and Raymond G. Sanchez, former speaker of the house. The majority of the subcommittee's recommendations resulted from this roundtable. The subcommittee also heard from the house chief clerk and

Professor Michael Browde from the University of New Mexico School of Law. At its last meeting, the subcommittee considered 26 proposals for statutory, policy and rule changes covering committee size and membership, interim committee relevance and efficiency issues, legislative session efficiency issues, matters of decorum and constitutional amendments. The subcommittee's recommendations to the council reflected recommendations for both standing and interim committee changes, which were grouped into four categories: 1) council policy changes; 2) House and Senate rule changes; 3) joint rule changes; and 4) legislation. More on this later.

### ***Subcommittee Members***

Sen. Joseph A. Fidel, chair  
Rep. Bob Burpo  
Rep. Max Coll  
Rep. Mary Helen Garcia  
Sen. Stuart Ingle

Sen. Roman M. Maes, III  
Sen. Cisco McSorley  
Rep. James G. Taylor  
Rep. Thomas C. Taylor  
Sen. H. Diane Snyder

### **2001-2002 Considerations and Recommendations** (stars indicate interim committees)

After its survey of legislators, staff and others and its review of data, the NCSL presented to the subcommittee and included the following points. Note that although this section is written in the past tense, much of it is relevant to 2025.

- ▶ There were too many interim committees:
  - ▲ the number of interim committees had doubled since 1979;
  - ▲ member participation was inconsistent;
  - ▲ some committees continued after the issue for which they were created had been addressed;
  - ▲ coordinating administrative logistics of the numerous interim committees required substantial staff resources; and
  - ▲ operating an interim committee costs more than just per diem and mileage for members.
- ▶ Jurisdictional overlap existed, and interim committees needed to coordinate work more effectively:
  - ▲ interim committees often duplicated work; and
  - ▲ experts, agency representatives and lobbyists were required to appear multiple times and present the same material to different committees.
- ▶ Interim committee work needed focus:
  - ▲ interim committees' work needed to be linked to the legislative session, development of legislation or an issue of importance to the legislature;
  - ▲ the task-specific interim committees had been the most effective;
  - ▲ interim committee endorsement of legislation had lost impact; and
  - ▲ agenda development was sometimes driven by a desire to meet rather than a need to meet.

- ▶ Interim committees had too many members:
  - ▲ too many members contributed to committees losing focus and pursuing tangential issues;
  - ▲ large numbers of advisory members compounded the lack-of-focus problem; and
  - ▲ it could be difficult to make a quorum when too many members were assigned to a committee and attendance of members was inconsistent.<sup>31</sup>
- ▶ Interim committee travel needed to be carefully managed:
  - ▲ while many legislators believed that going around the state with interim committees could be productive, it placed a burden on some localities that were called on to frequently host;
  - ▲ committees needed to have a clear purpose for traveling to a specific place; and
  - ▲ meeting in Santa Fe in the summer is expensive.

The subcommittee invited a group of former legislative leaders to meet with the subcommittee in a roundtable discussion of "then-and-now". Their observations included (starred items apply to interim committees and bracketed material are my comments):

- ★ 1. there has been a decline in decorum and civility in the legislature, and in the relationships and communications among the branches;
- 2. bills did not stack up [**in standing committees**] like they do now, because members worked on them and kept the process flowing;
- 3. committees accepted DO NOT PASS recommendations on legislation rather than tabling motions, which were reserved to allow competing interests to attempt to work out compromises;
- ★ 4. there were fewer interim committees, and they operated more efficiently and with a limited focus;
- ★ 5. interim committees were appointed for a specific purpose and were not routinely re-created once they completed their work;

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<sup>31</sup> [And when too many members served on too many committees.]

★ 6. the council took the initiative in creating committees rather than relying on requests from the legislature in the form of memorials;

★ 7. the number of bills endorsed by interim committees has increased tremendously and may be related to the number of memorials being passed asking committees to study certain issues;

8. the number of bills increased in the 1960s, which caused the governor to call special sessions, and that evolved into annual sessions with the second session being a fiscal session;

9. in the past, some leaders relied on the minority to select who **[from the minority]** sat on the committees;

10. bills receive multiple committee referrals, but are more frequently discharged from committee;

★ 11. the number of interim committees is surprisingly high;

★ 12. many committees are not well attended, making it difficult to achieve a quorum;

★ 13. senators are spread thin in their interim committee assignments **[same goes for minority party members]**;

14. there are too many caucus meetings, thus reducing time for debate;

★ 15. technology has changed the kinds of issues legislators face and increased the number of issues, in part because of the ease of communicating via email and fax;

★ 16. if members serve on multiple interim committees and a news story reports that they receive more per diem and mileage than other legislators, they are criticized;

17. there is very little reason for members of the public to testify on capital outlay projects under the current system;

18. bills are introduced at the requests of constituents even when sponsors know there is little chance that the bills will be passed;

19. standing committees in the Senate are frequently unable to achieve quorums; and

★ 20. committee assignments are not always made with an eye toward placing the most knowledgeable members on the committees.



Ideas offered by the panelists and the subcommittee members to improve the process included the following:

- ★ 1. allow the council to prioritize issues and establish committees for specific purposes;
- ★ 2. use **[interim]** committees as vehicles for identifying issues for standing committees and the legislative bodies;
  - 3. prefile legislation and limit bill introductions **[prefiling was accomplished]**;
- ★ 4. exercise strong leadership to control decorum, address committee attendance issues and identify champions of specific issues;
  - 5. require that proposed constitutional amendments pass through two legislative sessions before being submitted to the people for a vote;
- ★ 6. impress on the membership the need to accept the decisions of the committee process and to defer to interim committees;
  - 7. enforce the limitations on issues to be considered during short sessions;
  - 8. educate members about the process, ethics and civility;
- ★ 9. eliminate the introduction of duplicate bills endorsed by interim committees **[rules changed]**;
- 10. encourage the leadership of both parties to communicate, be open and let each other know what is being done and why;
- 11. consider how to address sponsors of bills originating in the other chamber **[rules changed]**;
- 12. consider the use of a dedicated server to provide only legislative information to the laptops of legislators when being used on the floor;
- 13. consider proposals to establish veto override sessions;
- 14. require that bills be acted upon rather than tabled;
- 15. limit the time spent in caucus;
- 16. start committee hearings earlier in the session;
- 17. enact general appropriation acts for a two-year period instead of one and reinforce the limits on the content of the act; and

18. control hearing time at Legislative Finance Committee meetings in light of the large number of questions.

**2002 Final Recommendations**

(1) Legislative policy changes:

(a) limit committee membership on council-created committees;  
(b) encourage greater member participation, allowing legislators who are nonmembers of committees to receive per diem for attending up to three additional interim committee meetings [**council policy currently allows five days**]; and

(c) use legislative and staff resources more efficiently and effectively.

(2) Rule changes:

(a) require prefilng of interim committee legislation [**prefiling is open to anyone, but there is no direction to require interim committees to prefile their endorsed bills**];

(b) expand opportunities for legislators to co-sponsor legislation [**accomplished**];  
and

(c) impose restrictions on the scheduling of caucus meetings, the use of cellular telephones and computers and debate on DO NOT PASS committee reports.

(3) Joint rule changes:

(a) require review of proposed constitutional amendments by interim committees or a constitutional revision commission;

(b) eliminate duplicate introduction of interim committee legislation [**partially accomplished; cannot be totally eliminated because any member may introduce a duplicate of a committee bill without the endorsement**];

(c) impose time limits on the passage of certain bills through the house of origin; and

(d) move forward the deadline for making requests to draft or prepare bills for introduction.

(4) Legislation:

★ (a) reduce the number of interim committee members to no more than 15;

★ (b) reduce the number of interim committees by repealing statutorily created committees except the council, Legislative Finance Committee, Interim Legislative Ethics

Committee, Committee on Compacts [**defunct**] and Senate Rules Committee and reaffirm that the council is responsible for creating interim committees as the need arises; create a constitutional revision commission; and propose a constitutional amendment to extend the time the governor has to review legislation passed in the final three days of a session and establish a veto override session [**extending the time may have ramifications on the current 90-day effective date**];

(5) Additional recommendations included having the council provide for ongoing training and new member orientation throughout the year; and having the leadership of the council, Legislative Education Study Committee and Legislative Finance Committee meet early in each interim to discuss the key issues to be dealt with, divide the issues to be studied among the various committees to avoid duplication and, concurrently, schedule seminars on issues that are of interest to a significant number of legislators.

The LCS drafted one omnibus bill, House Bill 442 (2003), to repeal statutorily created interim committees and task forces; 13 proposed amendments to house and senate rules to change house, senate or joint rules; and one joint resolution for a constitutional amendment to extend the governor's time to review bills and provide for a veto override session. There was also a proposed amendment to Legislative Council Policy No. 3 to address interim committees, membership and quorums.

The omnibus bill, which did not pass, included a findings and purpose section, which found that: 1) there had been a large increase in the number of statutorily created interim legislative committees; 2) many of those had fully served their purposes and completed their assigned tasks but were in perpetual existence, which was a waste of money and legislative resources; 3) the council has the power to appoint interim committees; and 4) significant issues facing the state can be addressed more efficiently by committees created by the council. The purpose of the bill was stated to be to conserve state money and legislative resources by abolishing statutory committees in favor of council committees. The bill repealed the following interim committees and task forces and in some, but not all, cases included provisions for replacement by the council: the Tobacco Settlement Revenue Oversight Committee (no provision for replacement); the New Mexico Finance Authority Oversight Committee, which

includes oversight of the board authority; the Revenue Stabilization and Tax Policy Committee; the Information Technology Oversight Committee (which was later merged with the Los Alamos National Laboratory Committee to become the Science and Technology Committee); the Legislative Health and Human Services Committee; the Corrections Oversight Committee (no provision for replacement); the Mortgage Finance Authority Act Oversight Committee; the Industrial and Agricultural Authority Oversight Committee; the Radioactive and Hazardous Materials Committee (no provision for replacement; in addition, the legislative advisory participation on the Radioactive Waste Committee was changed from the chair and vice chair of the committee to two legislators appointed by the council); the Welfare Reform Oversight Committee (no provision for replacement); the Corrections Oversight Committee (no provision for replacement); the Legislative Oversight Committee on Organized Crime (no provision for replacement); and the Workers' Compensation Oversight Committee (no provision for replacement).<sup>32</sup>

The bill also reduced the Legislative Finance Committee membership from 16 to 15 and provided for House and Senate education committee chairs or their designees to serve as nonvoting advisory members. For both the Legislative Finance Committee and Legislative Education Study Committee, the bill changed designee appointments, clarified two-year terms and specified that the committees could not meet outside the State Capitol after their August meetings.

#### ***2006-2007 Legislative Structure and Process Study Task Force***

The 2006-2007 task force was charged by the council with the task of developing a series of recommendations to help the legislature conduct its work and perform its duties in a more effective and efficient manner. It was directed to examine the entire legislative structure and all of its processes and specifically to:

★ ► review and evaluate past and present organizational and operational practices of the legislature for sessions and for critical work of interim committees and the relationship of interim committees to the next regular session to which they necessarily report;

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<sup>32</sup> Note: the Public School Capital Outlay Oversight Task Force and Military and Veterans' Affairs Committee were created after 2003.

- ▶ review constraints on operational structures and processes contained in the Constitution of New Mexico and statutes and set out in rules and policies of the legislature;
  - ▶ review the operational structures and processes of comparable state legislatures;
- and
- ▶ concern itself with ensuring public participation and public understanding, confidence and regard for the processes of the legislature and solicit public comment on its study and recommendations.

Members of the task force were:

Voting Members:

Thomas A. Donnelly, co-chair <sup>33</sup>	Willard Lewis
Richard E. Olsen, co-chair (former legislator)	David McCumber
Rep. Janice E. Arnold-Jones	Brian McDonald
Rep. Ray Begaye	Sen. Cynthia Nava
Sen. Mark Boitano	Sen. Steven P. Neville
Max Coll (former legislator) <sup>34</sup>	Sen. Gerald Ortiz y Pino
Linda M. Davis	Sen. William H. Payne
Charles Dorame	Sen. Nancy Rodriguez
Marie Eaves	Murray Ryan (former legislator)
F. Chris Garcia	Rep. Henry Kiki Saavedra
William R. Humphries	Rep. Thomas C. Taylor
Tommy Jewell	Anthony Williams (former legislator)
Judy M. Jones	Rep. Peter Wirth
Rep. Larry A. Larrañaga	

Advisory Members:

Rep. Donald E. Bratton	Rep. Al Park
Sen. Stuart Ingle	Kim Seckler (former LCS staff attorney)
Marilyn O'Leary	

At its first meeting, Ms. Tackett, Director of the LCS, gave a presentation on the evolution of legislative structure and process. Contrasting the 1970s with 2006, she provided the following information:

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<sup>33</sup>Judge Donnelly was an LCS staff attorney (1959-60) and drafted the first comprehensive revision of the state's entire Criminal Code since territorial days. As assistant attorney general, he served as the attorney for the State Constitutional Revision Commission and State Criminal Study Revision Commission and as counsel for the Governor's Commission on Government Reorganization. He was also the author of an award-winning short story, "Psychic Chicken".

<sup>34</sup>Max Coll served 32 nonconsecutive years as a House member, including 18 years as chairman of the House Appropriations and Finance Committee.

▶ the state's population had grown since the 1970s, resulting in a larger number of constituents for each legislator and increased demands on the legislature and its staff. Ms. Tackett pointed out that contemporary constituents tended to have more ideas that they want implemented, and they tended to want those ideas enacted quickly.<sup>35</sup>

▶ the number of bills introduced in 2005 (a long session) was twice the number introduced in 1971 and the number introduced in 2006 (a short session) was 600% over the number introduced in 1970.

▶ the number of duplicate bills introduced had also risen dramatically just since 2001.<sup>36</sup>

★ ▶ interim committees had proliferated since the 1970s, and the membership on those committees, both voting and advisory members, had also increased; on some committees that increase had been substantial.

▶ during legislative sessions, the number of referrals to substantive standing committees had increased from one or two referrals to three or four, sometimes more, which made it difficult to pass a bill through both houses. Often, multiple referrals defeated legislation and slowed down the system, making it more difficult for any legislation to work its way through both chambers before the end of the session. **[Also, it has become customary for committees to substitute bills even if there are only minor changes; this causes more stress on the LCS, but perhaps more importantly for legislators, committee substitution wipes the sponsors' names off the bill.]**

At the beginning of its interim work, New Mexico First, a nonprofit, nonpartisan organization, facilitated the task force's focus for its work on four topics: session workload; interim workload; public input; and institutional structure. Topics were parsed further into potential reforms for task force study during the interim. Each of the potential reforms were "graded" by: 1) recommendations for which there was unanimous support for further

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<sup>35</sup> This is probably even more true today with the proliferation of issue activism across the political spectrum and special interests.

<sup>36</sup> The irony is that, after the 2007 legislature took the committee's recommendation and passed a joint rule to prohibit the LCS from preparing duplicate bills of interim committee-endorsed and state agency bills, with the goal of curtailing introductions, in 2009, the House introduced 1,309 bills and the Senate introduced 1,399 bills (counts do not include unused dummy bills), a record to be sure.

consideration; 2) reforms for which a majority of task force members supported additional consideration; and 3) reforms for which fewer than half of task force members supported additional consideration. Not surprisingly, institutional structure received the most proposals, though some broadened the field of legislative reforms from previous efforts.

For the interim workload topic, there were six proposals, as follows:

- ▶ receiving unanimous support: consolidate the function of interim committees, thus reducing their size and number and avoiding duplication (ideas taken from 2002 effort);

- ▶ receiving majority support:

- ▲ require a specific amount of attendance at an interim committee meeting in order to collect per diem **[this item has been discussed many times over the years, both formally and informally];**

- ▲ revise the interim committee process so that membership more closely matches standing committee membership **[this has also come up many times and has been recommended by the NCSL and others];** and

- ▲ make Senate and House interim committee membership proportionate to Senate and House size; provided that a majority of the membership of one house may block a proposition; and

- ▶ receiving minority support:

- ▲ allow per diem for a legislator to attend a limited number of committee meetings on which the legislator does not serve **[current council rule provides for five additional days to attend other committees];** and

- ▲ require that legislators consent to their assignment on an interim committee. **[many members did *not* serve on committees in the old days, either because the number of committees and members were fewer or the legislator was not selected by his or her leader to serve or could not serve during interims.]**

At the end of the interim, the task force adopted the following recommendations:

1. (proposal #1) a constitutional amendment to extend the length of regular sessions by 15 days to provide for a three-day veto override session, to increase the time allowed the governor to sign bills from 20 to 30 days, to change the governor's line-item veto authority, to

change the time frame for the effective date of legislation and to make the language in the amended sections gender neutral (vote unanimous);

2. (proposal #2A) a constitutional amendment to create a legislative compensation commission [**this was at least the 11th attempt to provide for legislative salaries**] (vote was 16 yes, 1 no);

3. (proposal #2B) a constitutional amendment to provide for increased per diem and mileage for out-of-state legislative travel — staff pointed out that the legislature could not adopt both compensation proposals; if #2A was adopted, the Legislative Compensation Commission would be empowered to set per diem rates for out-of-state travel (vote unanimous);

4. (proposal #3) a bill to codify the Legislative Finance Committee's audit function and ability to receive confidential information (vote unanimous);

5. (proposal #4) a bill to set earlier bill introduction deadlines and grant subpoena power to the council (vote unanimous);

6. (proposal #5) a joint rules change on several subjects, including opening conference committees, providing for a 30-minute delay after a conference committee has delivered a report for consideration, prohibiting memorials from requesting state agencies to take action, establishing crossover deadlines and providing for a break from floor sessions immediately following the bill introduction deadline (vote unanimous); and

7. (proposals #6 and #7) House and Senate rule changes to set bill and memorial introduction limits, prohibit standing committees from issuing "without recommendation" reports, expand co-sponsoring of legislation, establish a memorial introduction deadline, expand pre-filing of legislation and restrict guests and performances in the chambers. An amendment to limit bill introduction for long sessions at 10 bills and for short sessions five bills and to limit memorial introductions to two memorials per legislator per regular session passed unanimously (vote unanimous).

The only recommendation to pass in 2007 was HCR 14, a joint rule change that became Joint Rule 10-1. The rule directs the LCS to not accept bill requests after 5:00 p.m. on the 28th calendar day of a 60-day session and the 13th calendar day of a 30-day session and limited the introduction of interim-committee-endorsed or state agency bills in only one house.





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