

# **LAWS AND POLICIES OF THE LEGISLATIVE COUNCIL**

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## **LAWS AND POLICIES OF THE LEGISLATIVE COUNCIL**

### **CONSTITUTION**

Article 4, Section 10 of the constitution of New Mexico: COMPENSATION OF MEMBERS.--Each member of the legislature shall receive:

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

B. per diem expense and mileage at the same rates as provided in Subsection A of this section for service at meetings required by legislative committees established by the legislature to meet in the interim between sessions; and

C. no other compensation, perquisite or allowance. (As amended November 5, 1996.)

### **STATUTES**

#### **LEGISLATIVE COUNCIL**

2-3-1. NEW MEXICO LEGISLATIVE COUNCIL CREATED.--There is created a legislative joint committee of the house and senate to be designated "the New Mexico legislative council", composed of sixteen members, eight from the house and eight from the senate. The president pro tempore and the minority floor leader of the senate and the speaker of the house of representatives and the minority floor leader of the house shall automatically be members of the council. Six of the remaining members shall be appointed from the house of representatives by the speaker; provided that, if the minority is entitled to more than one member, the additional minority members shall be appointed by the speaker only from recommendations made by the minority floor leader, although the speaker shall retain the right to reject any such recommendations; and six of the remaining members shall be appointed from the senate by the committees' committee or, if the appointments are made in the interim, by the president pro tempore after consultation with and agreement of a majority of the members of the committees' committee. If the minority is entitled to more than one member, one of the remaining six members shall be appointed by the senate minority floor leader. The appointed members of the council shall be appointed from each house so as to give the two political parties having the most members in each house the same total proportionate representation on the council as prevails in that house; providing 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.

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.

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.

## BUILDINGS

2-3-4. CONTROL OF BUILDING HOUSING LEGISLATURE, ADJACENT UTILITY PLANT AND SURROUNDING GROUNDS.--Notwithstanding the provisions of Chapter 6, Articles 1 and 2, New Mexico Statutes Annotated, 1953 Compilation, 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.

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.

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 transferred from the capitol custodian commission to the legislative council.

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 and in and about the building and grounds under his control necessary and proper for the safety, care and preservation of the same.

#### LEGISLATIVE COUNCIL SERVICE

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; and

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.

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.

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.

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.

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.

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.

#### 2-3-13.1. LEGISLATIVE DOCUMENTS--GENDER-NEUTRAL LANGUAGE--LEGISLATIVE COUNCIL SERVICE.--

##### A. As used in this section:

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

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

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

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

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, 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.

#### 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, instrumentalities or committees.

## REIMBURSEMENT

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 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.

## TRAVEL

### 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:

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

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

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

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

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

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

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

#### 10-8-5. RESTRICTIONS; REGULATIONS--reads in part as follows:

F. No reimbursement for out-of-state travel shall be paid to any elected public officer, including any member of the legislature, if after the last day to do so that officer has not filed a declaration of candidacy for re-election to his currently held office or has been defeated for re-election to his currently held office in a primary election or any general election.

G. Subsection F of this section does not apply to any elected public officer who is ineligible to succeed himself after serving his term in office.

H. Subsection F of this section does not apply to legislators whose travel has been approved by a three-fourths' vote of the New Mexico legislative council at a regularly called meeting.

I. Any person who is not an employee, appointee, or elected official of a county or municipality and who is reimbursed under the provisions of the Per Diem and Mileage Act is an amount that singly or in the aggregate exceeds one-thousand five hundred dollars (\$1,500) in any one year shall not be entitled to further reimbursement under the provisions of that act until the person furnishes in writing to his department head or, in the case of a department head or board or commission member, to the governor or, in the case of a member of the legislature, to the New Mexico legislative council an itemized statement on each separate instance of travel covered within the reimbursement, the place to which traveled and the executive, judicial or legislative purpose served by the travel.

#### MISCELLANEOUS

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.

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.

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.

#### 2-4-1. COMMISSION FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES.--

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

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

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

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

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

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

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

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

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.

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.

8-2-2. GOVERNOR-ELECT--OFFICE SPACE AND EQUIPMENT.--Whenever the governor-elect is a different individual than the incumbent governor, the legislative council shall upon his certification of election provide suitable office space in the legislative building and furniture and equipment for the temporary use of the governor-elect and his staff until the inauguration.

11-2-1. COMMISSION ON INTERGOVERNMENTAL COOPERATION.--There is created the "commission on intergovernmental cooperation". The members and officers of the legislative council are ex officio members and officers of the commission, and the director of the legislative council service is ex officio executive secretary of the commission.

11-2-2. DUTIES OF COMMISSION.--It shall be the function of this commission:

A. to carry forward the participation of this state as a member of the council of state governments;

B. to encourage and assist the legislative, executive, administrative and judicial officials and employees of this state to develop and maintain friendly contact by correspondence, by conference and otherwise with officials and employees of the other states, of the federal government and of local units of government;

C. to endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating:

- (1) the adoption of compacts;
- (2) the enactment of uniform or reciprocal statutes;
- (3) the adoption of uniform or reciprocal administrative rules and regulations;
- (4) the informal cooperation of governmental offices with one another;
- (5) the personal cooperation of governmental officials and employees with one another, individually;
- (6) the interchange and clearance of research and information; and
- (7) any other suitable process; and

D. in short, to do all such acts as will, in the opinion of this commission, enable this state to do its part or more than its part in forming a more perfect union among the various governments in the United States and in developing the council of state governments for that purpose.

11-2-3. APPOINTMENT OF DELEGATIONS AND COMMITTEES.--The commission shall establish such delegations and committees as it deems advisable in order that they may confer and formulate proposals concerning effective means to secure intergovernmental harmony and may perform other functions for the commission in obedience to its decisions. Subject to the approval of the commission, the member or members of each such delegation or committee shall be appointed by the chairman of the commission. State officials or employees who are not members of the commission on intergovernmental cooperation may be appointed as members of any such delegation or committee, but private citizens holding no governmental position in this state shall not be eligible. The commission may provide such other rules as it considers appropriate concerning the membership and the functioning of any such delegation or committee. The commission may provide for advisory boards for itself and for its various delegations and committees and may authorize private citizens to serve on such boards.

11-2-4. COUNCIL OF STATE GOVERNMENTS--JOINT GOVERNMENTAL AGENCY.--The council of state governments is hereby declared to be a joint governmental agency of this state and of the other states which cooperate through it.

24-16-4. SMOKING PROHIBITED EXCEPT IN PERMITTED AREAS.--It is unlawful for any person to smoke in a public place or at a public meeting except in smoking-permitted areas. No part of the state capitol or capitol north shall be designated as a smoking permitted area.

## **POLICIES**

1. GENERAL PURPOSE.--Pursuant to Subsection F of Section 2-3-3 NMSA 1978, which requires that the council refrain from advocating or opposing the introduction or passage of legislation, the council merely provides and regulates the staff and facilities necessary to provide legislative services requested by individual legislators or committees; and drafts and memoranda prepared for individual members of the legislature, committees of the legislature and other eligible requesters are neither endorsed nor reviewed by the council.

2. ADVISORY MEMBERS.--All members of the legislature shall receive invitations to all council meetings and, upon request, copies of minutes of council meetings after the minutes have been approved by the council. Special advisory members of the council shall be reimbursed per diem and mileage for attending council meetings.

### **3. LEGISLATIVE COMMITTEES.--**

A. The council may, subject to budgetary and time limitations and upon the request of legislators or others, create and appoint interim committees of legislators to study problems arising during times when the legislature is not in session. A member of the council shall not serve as a voting member of a council-created or -appointed interim committee, unless otherwise provided by law, but may serve as an advisory member of the committee. Advisory members shall serve as nonvoting members of an interim committee. Per diem and mileage of advisory members shall be paid out of council funds.

B. A regularly called meeting of an interim committee shall be one as established by the council-approved work plan with notice given to all members of the committee at least ten days prior to the meeting. If time does not allow written notice of the meeting, all members shall be notified of the meeting verbally. If a quorum is not present at a regularly called meeting, and a previously selected or appointed presiding officer is present, and there are also present at least four other voting members, two from each house representing each of the two political parties having the most members in each house, the presiding officer of the committee may constitute those members present as a special subcommittee. This special subcommittee shall be limited to (1) hearing matters previously scheduled for that meeting; and (2) reporting to the committee at its next regularly scheduled meeting. Alternatively, if a quorum is not present at a regularly called meeting, advisory members and members present pursuant to Legislative Council Policy Number 4(A) may be counted to attain a quorum, but the scope of action shall be

limited to that of a special subcommittee. If a member of a council-appointed committee is absent from three consecutive meetings of the committee, the chair may ask the council for a replacement member or a reduction in the size of the committee.

Members of council-created or -appointed committees shall receive the same per diem and mileage reimbursement as members of the council within the available council-allocated funds. The council shall designate the chair and vice chair or co-chairs of all council-created or -appointed committees unless otherwise provided by law. The budgets of such committees shall be subject to the approval of the council, and the committee shall not obligate or encumber committee funds unless the purpose and object of such obligation or encumbrance is contained in the council-approved budget and comes within the purview of the council-approved work plan. The work plan and all projects of council-created committees shall be subject to the approval of the council, and such committees shall make reports of their projects and activities as may be required by the council. No council-created committee or any other committee whose work plan is subject to the approval of the council shall meet outside the state capitol after September 30 without the permission of the council.

C. The legislative council service shall staff committees created or appointed by the legislative council, except as otherwise provided by law.

D. A subcommittee of a council-created committee shall be created only by majority vote of all voting members of the committee and with approval of the 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 who is not a member of the political party having the most members in that member's house. All meetings and expenditures of a subcommittee shall be approved by the full committee in advance of the meeting or expenditure, and the approval shall be shown in the minutes of the committee.

#### 4. OTHER COMMITTEES AND MEETINGS.--

A. Subject to the availability of funds and the appointment and approval of the appropriate co-chair of the legislative council, legislators may be reimbursed at the rates provided by law for attendance at:

(1) meetings of legislative or public policy organizations of which New Mexico is a dues-paying member;

(2) one out-of-state meeting and three in-state meetings per calendar year of a legislative or public policy organization of which New Mexico is not a dues-paying member; and

(3) meetings of interim committees of which the legislator is not a member, not to exceed five days of attendance per calendar year plus associated travel.



B. Subject to the availability of funds and the prior approval of either co-chair of the council, persons who are not legislators and who are appointed by the legislative council to the uniform law commission may be reimbursed for their service on the commission by the legislative council service as provided for nonsalaried public officers in the Per Diem and Mileage Act. (Revised 06/23/2023)

#### 5. PER DIEM AND MILEAGE.--

A. Per diem and mileage for approved travel or service in the interim that is required by the legislative council shall be in the amounts provided by law. Per diem shall be paid on a calendar day basis and shall be paid for each day of meeting, including meeting-related informational tours or field trips, and necessary travel for in-state and out-of-state meetings. A legislator who travels one hundred or more miles one-way on the same day of a meeting that begins before 12:00 noon in lieu of necessary travel and who claims per diem only for days of the meeting shall be entitled to one additional day of per diem. Only one legislator shall receive mileage reimbursement for each mile traveled in a privately owned vehicle or airplane. Staff travel shall be as provided for other state employees, and out-of-state travel does not require gubernatorial or executive branch approval.

B. Subject to the availability of funds, a legislator serving in one of the following positions may be reimbursed per diem and mileage on an as-needed basis for performing administrative duties at the capitol: speaker of the house of representatives; president pro tempore of the senate; majority and minority floor leaders; and majority and minority whips.

6. PRIORITY OF SERVICE.--Priority shall be given to the legislative requests over all others. Any request for drafting from a state agency between January 1 and the end of a regular session, or during any special or extraordinary session, shall only be fulfilled upon identification by the agency of a legislative sponsor who has agreed to be the sponsor and point of contact for the request.

#### 7. SERVICES PROVIDED BY LEGISLATIVE COUNCIL SERVICE STAFF TO LEGISLATORS.--

A. Any major project requested by an individual legislator or committee of the legislature:

(1) that requires an unusual amount of staff time or resources shall be referred by the director, with the knowledge and approval of the requester, for approval to the council in order that available resources may be spread as equitably as possible among legislative requesters; and

(2) that is under consideration by or within the specific jurisdiction of a legislative interim committee, and until such time as the interim committee has reported or the time for making its report has elapsed, shall be referred by the director, with the knowledge and approval of the requester, for approval to the council in order that duplication of staff time, effort and expense shall insofar as possible be avoided.

B. No member of the staff shall advocate or oppose the passage of any legislation pending before the legislature or attend a meeting of a standing or special committee; provided that, at the request or approval of the chair of a committee, a staff member may appear before a committee to assist the committee with an explanation of the technical matters pertaining to a specific bill, resolution, memorial or report under consideration by the committee. The chair of the committee shall announce to those present at the meeting that the council service staff member is in attendance to advise the committee on the specific matter at hand and does not appear at the meeting in support of or opposition to the legislation or the report. If the chair does not make the announcement, the staff member shall make such announcement.

C. No member of the staff shall sit with any member of the legislature in the chambers while that house is in session except as provided by that chamber's rules.

D. Attendance of staff members at committee meetings and in the chambers as provided in this section shall be confined to a period of time no longer than is necessary to provide the assistance specifically requested. In the event the services required by law of the council service for the legislature as a whole during a session are impaired or decreased by such excessive use of staff in committee meetings or in the chambers, the co-chairs of the legislative council may jointly order the director to temporarily suspend such use of staff members until the level of general service and efficiency for the legislature as a whole is restored.

E. Members of the staff of the legislative council may upon approval of the director of the council service attend public meetings of interim legislative committees not staffed by the legislative council service for the purpose of gathering information, but shall not participate in the meeting unless requested by the chair of the committee, in which case, the announcement required in Paragraph B shall be made.

8. SERVICES TO PRIVATE INDIVIDUALS OR GROUPS.--Except for information already available in the council library or files, no research services or drafting will be performed for private individuals or groups without council approval or sponsorship of a legislator.

9. CONFIDENTIALITY OF REQUESTS.--As provided in Section 2-3-13 NMSA 1978, all requests made to the council service are confidential until specified otherwise by the requester. However, if several requesters make the same request, the information in

one file may be used for the others in order to avoid criticism of providing more information to one requester than to the other and to conserve staff time.

10. MAILINGS.--Except for lists of legislators and legislative candidates, notices of meetings and dates, minutes of the council, session publications and the biennial report of the council, no bulk mailing or mass emailing shall be made by the council service either to legislators or to private citizens without prior approval of the council.

11. PUBLICATIONS COSTS.--Except as provided in the feed bill or records copied pursuant to the Inspection of Public Records Act, no charge shall be made for council service publications.

Legislative committee publications and publications of any other groups that have not been financed from legislative council funds may, if delivered to the office, be distributed to requesters without charge.

12. LEGISLATIVE SPACE.--During periods when the legislature is not in session, the legislative chambers and auxiliary rooms on the first level will be reserved for legislative use except that the chambers may be used with the permission of the director of the legislative council service for occasional educational purposes to teach students about legislative-governmental procedures. Use of chambers will be restricted by the prohibition of food and drinks and by restricting any activity that might harm the furniture or the building.

No other use of the legislative chambers or auxiliary rooms is permitted without the approval of the director.

Committee rooms of the legislature shall be reserved for legislative use and, at any time when not used for legislative purposes, may be used for occasional meetings with the permission of the director. The director may not loan legislative furniture to other agencies without prior approval of the council at a regularly called meeting.

No fee shall be assessed for the use of legislative chambers, committee rooms, the rotunda or other areas of the capitol and capitol north if the use is limited to the hours when the capitol and capitol north are open to the public. If the use is authorized outside of these times, or if significant additional legislative building services resources are required during regular hours, the director of the legislative council service may assess a fee not to exceed the actual costs of providing those resources. The director shall report back to the legislative council on the use of chambers and auxiliary rooms on the first level of the capitol.

Offices of officers and members of the legislature will be reserved for their use when in Santa Fe except when the legislative council approves the use for interim

committee offices or for use pursuant to Sections 8-2-1 and 8-2-2 NMSA 1978 (transition for a new governor-elect) and after notification of the member whose office is so used.

Space may be reserved for use by members of the public in the rotunda and the halls of history, subject to the approval of legislative building services. Members of the public may not sell items or otherwise use reserved spaces in the rotunda or halls of history for private pecuniary gain. (Revised 12/04/24)

### 13. LEGISLATIVE FACILITIES REVIEW SUBCOMMITTEE.--

A. There shall be a legislative facilities review subcommittee of the legislative council composed of six members of the council: three members of the house of representatives and three members of the senate, appointed by the co-chairs of the council. The subcommittee is authorized to meet during legislative sessions and the interim.

B. All requests for architectural or structural changes to or space allocation within the buildings under the legislative council's control as provided in Sections 2-3-4 and 2-3-6 NMSA 1978 shall be referred to the facilities review subcommittee for review and approval.

C. The subcommittee shall review the requested change to determine if the requested change affects the safety systems, code compliance or the functioning of the mechanical or electrical systems. If the subcommittee determines that the requested change does not affect code compliance or any of the systems, it may authorize the change. If the subcommittee determines that the requested change does affect code compliance or any of the systems, the change may not be authorized until the subcommittee receives recommendations regarding any mechanical and electrical work necessary to maintain the functioning of the systems, work necessary to maintain code compliance and any attendant costs.

D. The subcommittee shall make a report of its actions to the legislative council as deemed necessary by the co-chairs.

14. HOUSE AND SENATE CHIEF CLERKS.--The chief clerks of the house and senate are authorized to continue operations in the interim between legislative sessions in accordance with the provisions of Sections 2-14-2 through 2-14-4 NMSA 1978 (interim activities of chief clerks of house of representatives and senate) and the following policies.

A. General Duties--Compensation--Staff--Expenditures.--The house and senate chief clerks and the necessary support staff employed by the chief clerks pursuant to Subsections A and B of Section 2-14-2 NMSA 1978 are paid from the appropriations made for that purpose, to provide services during the interim between legislative sessions

and during sessions. The chief clerks shall hire staff as authorized by Section 2-14-2 NMSA 1978 to carry out the responsibilities assigned to the offices of the chief clerks and shall fix the compensation of each employee within the appropriations made by the legislature. Employees shall be hired without regard to party affiliation and solely on the grounds of fitness to perform the duties of the position for which they are hired. The legislative council service shall provide to the house and senate chief clerks regular financial reports reflecting expenditures from and balances remaining in the funds appropriated for the operation of the chief clerks' offices. Funds appropriated for the operation of the offices of the house and senate chief clerks pursuant to Sections 2-14-2 through 2-14-4 NMSA 1978 shall be segregated from other appropriations to the legislative council service and used for no other purpose.

B. Conditions of Employment--Partisan Political Activity Prohibition.-- Personnel policies and other laws, policies and rules, such as those pertaining to confidentiality, benefits, travel, reimbursement, purchasing and contracting, applicable to the director and members of the staff of the legislative council service are applicable to the chief clerks and members of their staffs employed pursuant to the authority granted in Sections 2-14-2 through 2-14-4 NMSA 1978 until replaced by similar policies adopted for the operation of the chief clerks' offices in the interim by the legislative council. Neither the chief clerks nor members of their staffs may engage in partisan political activity in the course of or in the performance of their duties. Neither the chief clerks nor members of their staffs may use any of their office time or the property or facilities of the legislature for partisan political activity.

C. Reporting.--The chief clerks are responsible to the legislative council for their activities and the activities of their staffs during the interim between legislative sessions. The chief clerks shall report to the legislative council not less than once each calendar quarter.

D. Constituent Services.--Consistent with Subsection D of Section 2-14-3 NMSA 1978, the house and senate chief clerks' offices shall assist legislators in responding to "routine legislative requests for constituents regarding the availability of and access to existing programs and services of state government", subject to the following guidelines:

- (1) assistance shall be provided without regard to the legislator's political affiliation or seniority;
- (2) assistance shall be provided only upon request from a legislator;
- (3) requests from the chief clerks' offices to state agencies shall be limited to information or requests for review of actions consistent with existing policies and procedures. In no event shall the house and senate chief clerks or their staffs request preferential treatment on behalf of a constituent; and

(4) when requested by the house and senate chief clerks, the legislative council service, the legislative education study committee and the legislative finance committee shall assist the house and senate chief clerks in responding to an inquiry.

E. Assistance with General Correspondence.--Pursuant to Subsection A of Section 2-14-3 NMSA 1978, the house and senate chief clerks are authorized to assist individual legislators with general correspondence related to the performance of a member's legislative duties and shall do so without regard to the legislator's political affiliation or seniority. Assistance on general correspondence shall be provided upon a specific request made by or on behalf of an individual member to the house or senate chief clerk or their designees. "General correspondence" shall not be construed to mean correspondence of a personal nature, newsletters, mass mailings or correspondence related to a legislator's election campaign or any partisan political matter.

F. Pre-session Duties.--To assist in carrying out the provisions of Subsection C of Section 2-14-3 NMSA 1978, the house and senate chief clerks will cooperate and work closely with the director of the legislative council service in planning for upcoming legislative sessions and, upon request, shall present joint reports of the status of pre-session preparation to the legislative council.

G. Inventories.--The chief clerks and the director of the legislative council service shall develop procedures for conducting annually accurate inventories of the property of the legislature. The inventories shall be available for inspection by members of the legislative council upon request.

#### 15. INTERIM LEGISLATIVE ETHICS COMMITTEE.--

A. The interim legislative ethics committee is the body to which shall be referred matters relating to the ethical conduct of legislative members which arise during the interim, including conduct which may give rise to constitutional discipline under Article 4, Section 11 of the constitution of New Mexico.

B. The interim legislative ethics committee shall be appointed by the legislative council in accordance with the recommendations of the respective floor leaders of each house. The two major political parties in each house shall have equal representation on the committee. Members of the legislative council may serve on the interim legislative ethics committee. There shall be co-chairs of the committee, one from each house of the legislature. To the extent feasible, the committee shall be comprised of members of the standing committees of the house and senate responsible for ethics matters during legislative sessions.

C. The interim legislative ethics committee is authorized, during the interim, to issue advisory opinions and letters on matters relating to the ethical conduct of legislators in accordance with the provisions of these policies. The committee is also

authorized, during the interim, to conduct investigations and hearings concerning the ethical conduct of legislators in accordance with the provisions of these policies. Except in an extreme emergency, the committee shall meet no more than once a month during the interim.

D. Advisory opinions shall be issued by the full committee and shall be dealt with in the following manner.

(1) Any legislator may seek an advisory opinion relating to the interpretation and enforcement of principles of ethics with respect to a situation affecting that legislator.

(2) A request for an advisory opinion shall be submitted in writing by the requesting legislator. The question may describe a real or hypothetical situation and request an advisory opinion establishing an appropriate standard of ethical conduct for that situation. Neither the contents nor the nature of a request for an opinion shall be revealed to any person outside of the committee or the staff to the committee except with the consent of the legislator requesting the opinion.

(3) The committee shall issue a written opinion regarding each inquiry or explain in writing why no opinion will be issued. Opinions shall be prospective only. Once issued, opinions shall be public documents, except that no opinion shall identify the requesting legislator without the legislator's consent.

(4) A requesting legislator may rely upon an advisory opinion of the interim legislative ethics committee, and any legislator acting in good faith reliance upon such an advisory opinion shall be immune from sanctions for conduct allowed by the opinion, unless the advisory opinion has been rejected by the relevant standing committee prior to the conduct in question.

(5) Committee advisory opinions shall be forwarded to the relevant standing committees for adoption or rejection in accordance with their respective procedures.

E. In dealing with charges brought against a legislator or a referral relating to the conduct of a legislator, the committee shall function through investigative and hearing subcommittees.

(1) Hearing subcommittees shall be comprised of the members of the committee from the house of the charged member that were not members of the investigative subcommittee, plus any additional members appointed pursuant to a legislative council-approved anti-harassment policy.

(2) Investigative subcommittees shall be comprised of an equal number from each party of the committee members of the charged member's respective house selected by the appropriate co-chair of the council in accordance with the recommendations of the appropriate majority and minority floor leaders, plus any additional members appointed pursuant to a legislative council-approved anti-harassment policy.

(3) Subcommittees may only act by a majority vote of their members.

(4) Special legal counsel, arbitrators, hearing officers or other professionals may be hired by the legislative council service as authorized by the investigative subcommittees, hearing subcommittees or the interim legislative ethics committee to assist the subcommittees or committee with their respective duties and responsibilities.

F. Except as provided in Subsection J, any charge seeking the discipline of a member of the legislature during the interim shall be in writing, under oath or affirmation, signed by a member of the legislature or a member of the public, verifying the truthfulness of the allegations in the complaint, addressed to the respective co-chair of the legislative council and filed with the legislative council service at the state capitol. The complaint shall state with reasonable particularity the relevant facts upon which the charge is based and the substantive ethics rule or law which the legislator is charged with violating.

G. The respective co-chair of the legislative council and the respective majority and minority floor leaders, plus any outside counsel included pursuant to a legislative council-approved anti-harassment policy, shall determine whether the complaint raises an issue implicating the charged member's role as a legislator under the substantive ethics rules or laws governing legislative conduct. If a complaint is made against a respective co-chair of the legislative council, that person is ineligible to make the determination and the determination shall be made by the remaining members eligible to make the determination, plus any outside counsel included pursuant to a legislative council-approved anti-harassment policy. If a complaint is made against one of the floor leaders, that person is ineligible to make the determination and the respective whip shall replace the floor leader for that determination.

H. Unless all of the members making a determination as provided in Subsection G agree that the complaint does not raise an ethics issue implicating the charged member's role as a legislator under the applicable rules or laws, the complaint shall be forwarded to the interim legislative ethics committee. If all of the members agree that the complaint does not raise an ethics issue, the complaint shall be dismissed and a copy of the dismissal and an explanatory letter shall be sent to the complainant.

I. The members making a determination as provided in Subsection G may also determine whether, under the particular circumstances of the case, the matter is best



left to the appropriate standing committee of the relevant house during the next session of the legislature. If all of the members agree that the matter is best left to the appropriate standing committee, the case shall be referred to that committee rather than to the interim legislative ethics committee.

J. During the interim, the speaker of the house of representatives or the president pro tempore of the senate, in conjunction with the respective majority and minority leaders, may also refer any ethics matter affecting a member of the respective house which might require investigation to the interim legislative ethics committee, including, when appropriate, requests by legislators which ask the speaker or the president pro tempore to provide for an investigation of the requesting legislator's own conduct. Such requests by a legislator shall be in writing addressed to the speaker or president pro tempore and shall state with reasonable particularity the conduct to be investigated and the reason for the request.

K. The complaint, referral or self-referral shall be delivered to the appropriate investigative subcommittee and shall be dealt with as follows.

(1) A legislator against whom a complaint is filed or with respect to whom a referral is made shall immediately be given a copy of the complaint or referral.

(2) The investigative subcommittee shall conduct a confidential investigation.

(a) If the investigative subcommittee finds no probable cause to believe a charge is warranted, it shall recommend that the hearing subcommittee close the investigation or dismiss the charge. Dismissal by the hearing subcommittee shall be communicated to the complainant, and the legislator charged shall not be subject to further charges by the complainant for the same event. However, if the investigative subcommittee finds no probable cause to believe a charge is warranted after an investigation is made pursuant to a legislative council-approved anti-harassment policy, the investigative subcommittee shall immediately close the investigation, dismiss the complaint and so inform the complainant, the legislator against whom the complaint is filed and the appropriate ethics committee during the interim or standing committee during the session. The appropriate interim ethics committee receiving such notice during the interim shall issue a public report of the investigative subcommittee's determination within 10 days. The legislator charged shall not be subject to further charges by the complainant for the same event.

(b) Before the investigative subcommittee may move forward with a finding of probable cause with respect to a referral made pursuant to Subsection J of this section, it shall obtain a written statement under oath or affirmation verifying the truthfulness of the allegations in the complaint or subject of the referral from a person with firsthand knowledge of the subject of the referral.

(c) If the investigative subcommittee finds probable cause to believe that the charge is warranted, it shall recommend that the hearing subcommittee initiate a formal hearing. However, if the investigative subcommittee finds probable cause to believe a charge is warranted after an investigation is made pursuant to a legislative council-approved anti-harassment policy, the investigative subcommittee shall cause to be prepared and presented a charging document to the appropriate ethics subcommittee during the interim or standing committee during the session.

L. A formal hearing is initiated by the issuance of a written finding of probable cause by the hearing subcommittee and the service of a copy of that document on the legislator being charged. However, when the investigative subcommittee finds probable cause pursuant to a legislative council-approved anti-harassment policy, the hearing subcommittee shall set the matter for a formal hearing to occur within 45 days of the investigative subcommittee's finding of probable cause. A written finding of probable cause made by the investigative subcommittee pursuant to a legislative council-approved anti-harassment policy or made by the hearing subcommittee shall be limited to matters reasonably related to the original charge and shall become the formal charging document.

(1) A member or members of the investigative subcommittee or special legal counsel to the investigative subcommittee shall become the charging party and present the case against the legislator being charged. Members of the investigative subcommittee shall not serve as members of the hearing subcommittee and shall avoid ex parte communications with members of the hearing subcommittee regarding matters referred for investigation.

(2) The hearing subcommittee shall hear the matter. Members of the hearing subcommittee shall avoid ex parte communications regarding matters referred for hearing. Good cause excusal of a member from investigating, hearing or voting on a matter may be granted only by a majority vote of the hearing subcommittee. A vacancy shall be filled by the appointing authority in the same manner as the original appointment.

(3) If a charge is brought against a member of either house who has appointing, investigative or hearing responsibilities to carry out under this policy, that member shall be relieved of those responsibilities for purposes of that charge. The respective co-chair of the legislative council, in accordance with the recommendations of the respective floor leader, or succeeding appropriate party leader if necessary, shall appoint a substitute from the same political party to act in the stead of that member.

(4) If the charge involves conduct that is the subject of a pending civil or criminal proceeding in which the charged party is a defendant, the hearing subcommittee shall determine whether the public interest is best served by suspending the disciplinary proceedings pending resolution of the civil or criminal charges or whether portions of the formal proceedings shall be kept confidential, and notice thereof shall be forwarded to the appropriate standing committee of the relevant house.

M. At the formal hearing, all parties shall have an opportunity to be heard, to request the presence of witnesses and the production of relevant evidence and to cross-examine witnesses against them. The member being charged may be represented by counsel at the member's own expense.

N. At the time a formal hearing is scheduled, the hearing subcommittee shall establish and notify the parties of the preliminary schedule and the procedures to be followed, including those for making opening and closing statements and for the presentation of evidence. The hearing subcommittee shall not be bound by the rules of evidence applicable in the courts of New Mexico and may hire legal counsel to assist the subcommittee.

(1) The procedures shall include notice that all testimony shall be taken under oath and that the hearings shall be open to the public, except that the hearing subcommittee may designate specific information or portions of the hearing to be confidential in order to protect the integrity of an ongoing investigation or prosecution or to preserve the privacy of third parties or for any other lawful purpose.

(2) All testimony at the formal hearing shall be recorded. The recorded testimony, together with all other evidence, shall be compiled as the record of the formal hearing.

O. If the hearing subcommittee determines that the legislator being charged has not committed an offense that justifies the imposition of sanctions, it shall recommend in its report to the appropriate standing committee that the complaint be dismissed.

P. If the hearing subcommittee determines that the legislator has committed an offense that justifies the imposition of sanctions, it shall make such a recommendation, including the severity of the sanction, in its report to the appropriate standing committee. Recommended sanctions may include but are not limited to the following.

(1) Reprimand -- a reprimand is normally appropriate for a single, relatively minor act of unethical conduct.

(2) Censure -- censure is normally the appropriate sanction for more serious or repeated acts of unethical conduct, although repeated or aggravated violations may merit expulsion. Censure normally carries with it a stripping of leadership and chairmanship positions for the remainder of that legislator's current term in office.

(3) Expulsion -- the extraordinary power of expulsion generally should be reserved for very serious breaches of legal or ethical responsibilities of members that directly relate to their duties as members of the legislature and that impugn the integrity of the legislature, reflect adversely on the legislature or otherwise undermine public trust in the institution of the legislature.

Q. In accordance with the report from the hearing subcommittee and the respective house's rules, the appropriate standing committee shall either dismiss the complaint or refer the matter to the appropriate house of the legislature with the recommendations of the subcommittee, with the understanding that the ultimate authority lies with the appropriate house of the legislature pursuant to its rules. (As amended December 12, 2022.)

16. BIENNIAL REPORT.--The biennial report of the council and the council service shall be prepared on a fiscal year basis and made available to all members of the legislature.

17. CAPITOL RECOGNITION SUBCOMMITTEE.--There shall be a capitol recognition subcommittee of the legislative council composed of six members of the council: three members of the house of representatives and three members of the senate, appointed by the co-chairs of the council. The subcommittee is authorized to meet during legislative sessions and the interim.

The subcommittee shall consider and make recommendations on requests to honor New Mexicans with suitable displays in the capitol and capitol north, including in the Walter K. Martinez memorial walkway and the capitol grounds. In performing its duties, the subcommittee shall:

A. limit its recommendations to those New Mexicans judged to be of extraordinary stature, honorable character and outstanding accomplishment or achievement whose deeds would be of interest to a large number of New Mexicans and visitors to the capitol;

B. include in its recommendations a statement of whether a display is intended to be permanent or temporary;

C. consider consolidated displays for those New Mexicans of similar accomplishments to be honored;

D. ensure that the nature of a proposed display, including its suggested location, style and size, is appropriate and in concert with the symbolism and decor of the capitol, capitol north, Walter K. Martinez memorial walkway and the Homer Clay Buchanan memorial gardens; and

E. make any other recommendation regarding a display that it deems appropriate.

The subcommittee's recommendations shall be made directly to the legislature through the introduction of a joint memorial. No displays honoring New Mexicans shall be erected unless recommended by the subcommittee and unless the joint memorial

approving the display is approved by a vote of two-thirds of the members present and voting separately in each house.

#### 18. LEGISLATIVE INFORMATION SYSTEM.--

A. The legislature shall maintain a unified information system to promote the effective and efficient use of information technology resources while recognizing the need for flexibility to address the specific needs of the separate legislative agencies.

B. The legislative information system user group is created to carry out this policy. The chief clerks of the house and senate, or their designees, which may include leadership staff; and the directors of the legislative council service, legislative education study committee and legislative finance committee, or their designees, are appointed as members of the user group. The user group shall meet regularly with the legislative information system staff of the legislative council service to discuss issues of mutual concern and foster communication on all aspects of the legislative information system between the information system staff and the legislative agencies. The user group shall advise the legislative council as requested on information system issues.

C. To ensure the security of the legislative information system, a legislative employee or legislator shall not connect, install, attach or modify any hardware or software connected, installed or attached to the legislative information system without the permission of the director of the legislative council service.

D. To ensure the efficient workload management of the limited information technology staff, requests to configure personal devices to access the legislative information system email server will be handled on an individual basis and will be prioritized relative to the other duties of the information technology staff that affect more users.

19. LYING IN STATE.--Persons eligible to lie in state are those persons who at the time of their death held or previously held an office created by the constitution of New Mexico or the United States constitution and who made extraordinary contributions to the state of New Mexico. A request to lie in state shall be made to the director of the legislative council service who shall approve the request only after receiving the approval of the co-chairs of the legislative council and ensuring that the arrangements provide for a closed casket, display of the flags of the United States and the state of New Mexico, a definitive and reasonable amount of time for lying in state, continuous attendance upon the casket by an honor guard and other reasonable and necessary parameters.

20. YEAR-ROUND LEGISLATIVE STAFF CLASSIFICATION AND  
COMPENSATION PLAN.--

A. Job titles and compensation for all legislative staff shall conform to the classification and compensation plan as adopted and periodically revised by the legislative council.

B. The legislative council service shall publish the plan with any changes approved by the council.

C. The classification and compensation plan committee shall be composed of the statutory legislative agency directors, chief clerks and chiefs of staff of the leadership offices. The committee shall meet no less than once per year and may make recommendations to the council on any revisions to the plan.

D. The fiscal and policy research analyst of the legislative council service and the chief economist of the legislative finance committee shall provide to the plan committee a recommendation on increases to the compensation ranges based on inflation, cost of living, cost of labor and any across-the-board increases to ensure that the plan remains competitive for recruitment and retention, subject to approval by the council. The analyst and economist shall meet no less than once every year with sufficient time for the council to consider any recommendations before July 1 of the respective year.

E. Once a candidate has been selected to be offered a position, the hiring manager shall work with the respective human resources department to determine a salary range commensurate with experience, education and skills to ensure equity with existing employees. New employees shall be hired at no more than 75% of the compensation maximum.

F. An exception may be made to the 75% cap if the hiring manager has been authorized by the leader of the respective chamber or leadership office or the committee chairs of the respective statutory agencies to exceed the cap, there is sufficient budget capacity and the employee meets at least one of the following:

- (1) prior relevant New Mexico legislative experience;
- (2) prior relevant experience in a legislative setting, e.g., city council, county commission or other state legislature;
- (3) qualifications that substantially exceed qualifications of existing staff in the same or similar positions; or
- (4) other significant considerations, including level of education, professional credentials or specialized knowledge relevant to the position.

G. Salary increases for agency directors, chief clerks and chiefs of staff will be subject to approval by the leader of the respective chamber or leadership office or committee chairs of the respective statutory agencies.

H. To ensure pay equity, the following parameters shall apply to increases:

(1) the supervisor will consult with the respective human resources department on suggested salary increases based on experience, education and skills;

(2) salaries of employees in any year of employment shall not be increased by more than 3%; provided, however, that this limitation does not include Paragraph (4) of this subsection, across-the-board increases provided by the legislature or a promotion to a higher classification;

(3) the salary of an employee who is being promoted shall be determined using the same policies as new hires; and

(4) an employee who has completed at least 10 years of experience with the New Mexico legislature and is at the compensation maximum may receive an increase of up to 5% in the eleventh year and every fifth year thereafter, excluding across-the-board increases or promotions, provided there is budget capacity, satisfactory performance and authorization from the leader of the respective chamber or office or committee chair.

I. The legislative council encourages its employees to enhance their job skills and career growth through higher education. To support professional development, the respective legislative agency may reimburse employees for tuition paid by the employee if the employee has been a legislative employee for at least one year. Subject to the availability of funding, as determined by employee's supervisor and agency director and in consultation with the agency's chief financial officer, the following reimbursement guidelines apply to this benefit:

(1) tuition for attendance at accredited institutions in New Mexico will be prioritized unless the employee can demonstrate that it is more feasible to attend an out-of-state institution through virtual attendance;

(2) the legislative agency may reimburse up to 100% of tuition costs, including required fees such as laboratory and textbooks, less scholarships, grants or other financial assistance received;

(3) employees are required to complete a course with a grade of C or better. Should an employee receive a grade below C or the equivalent or fail to satisfactorily complete an approved course or if the status is "incomplete" for more than six months, the employee will not be eligible for reimbursement for that particular course.

If a participating employee drops an approved course prior to completion, the employee is not eligible for reimbursement for that particular course. Any employee eligible for tuition assistance under this policy shall be required to complete and sign a form agreeing to the reimbursement provisions prior to the disbursement of any funds; and

(4) if an employee leaves the legislature within a year after completing the approved course work, the employee may be required to reimburse the agency for up to 100% of the costs already paid to the individual. The respective agency may offset any funds owed on the last payroll for the employee. If there is not enough leave or hours to cover the balance, the respective agency may seek other collection remedies.

J. Salaries and salary increases are limited to the classification and compensation plan and this policy as adopted by the legislative council. (As adopted July 18, 2024 and effective immediately.)

## 21. LEADERSHIP STAFF.--

A. The leadership of the house and the senate are authorized to employ staff to assist them in their duties as leaders, subject to sufficient funds being appropriated through the budget of the appropriate chief clerk. The speaker of the house, president pro tempore of the senate and the majority and minority leaders and whips of the house and the senate shall cooperate in adopting staffing patterns and budgets for their respective offices based upon the appropriations enacted for this purpose. Leadership staff are employees of the chamber of which their leader is a member, but each works at the pleasure of, the direction of and under the supervision of the respective leader.

B. The administrative policies and procedures applicable to the director and employees of the legislative council service, including leave policies, are applicable to leadership staff. Leadership staff shall be provided with suitable office space and related facilities and services at the state capitol, including the use of the reception desk at the legislative council service as a message center and other services to facilitate the day-to-day coordination of activity and communication between leadership staff and their respective leaders. Administrative support for leadership staff in the form of assistance with payroll matters, employee benefits, accrual of leave and similar matters shall be provided by the legislative council service.

C. If the office of the speaker, the office of the president pro tempore or a majority or minority leadership office becomes vacant for any reason, the respective chief clerk shall be responsible for supervising and directing the work of the affected leadership staff until the vacancy is filled. In assuming the duties and responsibilities to direct and supervise leadership staff, the chief clerk shall take into account the needs of the body and the affected caucus for continuity in staff assistance.



## 22. LEGISLATIVE LOSS CONTROL AND PREVENTION.--

A. The "legislative loss prevention and control staff committee" is created. The committee consists of the directors of the legislative council service, the legislative education study committee and the legislative finance committee, the chief clerks of the house and the senate and the capitol building superintendent, who shall also serve as the legislative loss control and prevention coordinator. The committee shall be chaired by the director of the legislative council service.

B. The committee, which shall meet regularly as necessary, shall seek to prevent and limit insurable losses by analyzing claims, promoting employee training on safety- and employment-related issues, recommending the mitigation of hazards and conditions that may lead to claims or losses and engaging in other activities as it believes necessary. The committee shall report to the legislative council and shall cooperate with the appropriate state agencies to prevent and limit insurable losses.

23. STATE CAPITOL PARKING FACILITY.--The state capitol parking facility shall be managed by the director of the legislative council service, who, under the direction of the legislative council, shall perform all duties necessary for the care, custody, control and maintenance of the parking facility.

### A. Legislative Agency and Capitol Tenant Parking.--

(1) Legislative agency employees and capitol tenants assigned a parking space shall be issued a card for entry into and exit from the parking garage. The assigned card will also allow a cardholder to enter the parking garage at the north door. If the cardholder abuses the use of the card, the card will be revoked.

(2) The cards will be assigned to a legislative agency or capitol tenants and will be issued by that agency to its employees. A list of the card numbers with a corresponding list of the employees to whom the cards have been issued must be submitted to legislative building services (LBS). The agency shall notify LBS if the assigned card is transferred to another employee. LBS shall maintain a list of cards issued to other capitol tenants.

(3) A parking stall may not be used as a storage or repair area.

(4) If a card is lost, a replacement fee shall be charged in the amount of \$20.00.

### B. Public Parking.--

(1) Remaining parking spaces will be available free of charge on a first-come, first-served basis.

(2) The director shall determine the days and hours of operation.

(3) The director may reserve spaces for high-occupancy vehicles to encourage carpooling.

24. WEBCASTING OF INTERIM COMMITTEE MEETINGS.--The legislative council service shall ensure that interim committee meetings are webcast when practicable and in substantially the same manner as the webcasts produced during the legislative session. The video shall be publicly available online for five years following the end of the interim.

25. CAPITOL KITCHEN FUND.--No later than sixty days after adjournment of each session, the balance of the capitol kitchen fund, created by Laws of 2004, Chapter 1, Section 10, in excess of seven thousand five hundred dollars (\$7,500) shall be transferred to the state capitol maintenance fund. The legislative council service is authorized to expend funds from the capitol kitchen fund for startup costs, supplies and other costs necessary to operate the house concessions and for incidental expenses of interim committees and the biennial orientation of new members.

26. FIREARMS AND OTHER DANGEROUS DEVICES.--

A. All firearms, including concealed handguns, explosives or other deadly weapons, are prohibited inside of the capitol, capitol north and Walter K. Martinez memorial walkway, with the exception of firearms carried by:

(1) certified law enforcement officers;

(2) uniformed armed services personnel; and

(3) individuals with written permission from the speaker of the house of representatives or president pro tempore of the senate.

B. All entrants to the capitol, capitol north and Walter K. Martinez memorial walkway are subject to screening for prohibited items.

C. Anyone in violation of this policy is subject to removal from the capitol complex. (As adopted November 1, 2021 and effective on and after December 6, 2021.)

27. LEGISLATIVE DISTRICT OFFICES.--

A. Subject to the availability of funds, each legislator may be provided legislative district staff (a district legislative aide), including salary and benefits, information technology equipment and software, furniture, supplies, office space and

other necessary support. The title of the district staff position shall be "district legislative aide" and no other title shall be used.

B. A district legislative aide shall not work as session staff. A person who terminates employment as a district legislative aide and who works as session staff in the next following legislative session is ineligible for employment as a district legislative aide for a period of ninety (90) days following the person's termination date as session staff.

C. Subject to the availability of funds, each caucus office may be provided with funding for a district office liaison to provide logistical and coordination support between and among the legislator, district office, leadership office and legislative council service. To provide proportional support, a second liaison may be hired by a leadership office if that office has one and one-half times more members than the corresponding leadership office in the same chamber. A district office liaison shall not work as session staff.

D. The legislative council service shall provide administrative and logistical support for the district offices and district legislative aides, including human resources, accounting, information technology and other services.

E. If a legislator opts to not hire a district legislative aide, the unused funding for that district shall not be used for any purpose other than a subsequent use for that district's office and legislative aide. The leadership office:

(1) shall retain the funding in its budget to provide a district legislative aide if the legislator who opted out decides to opt in or if a successor legislator chooses to opt in; or

(2) in consultation with the legislator who opts out, may hire a district legislative aide to serve the district, provided that the aide works at the pleasure of, direction of and under the supervision of that district's legislator.

F. Legislators may combine resources and use one office for more than one district; provided that the district office is located in a place that is accessible for constituents of the districts.

G. A district office shall be located in-state, preferably within or in close proximity to the district. The legislator may propose the location of a district office, subject to approval by the district office liaison and the legislative council service. The director of the legislative council service shall execute all leases and memorandums of understanding for district offices on behalf of the legislative council.

H. Preference shall be given to district office locations in public buildings (e.g., state, higher education institutions, counties, municipalities, community centers,

tribal offices and other local public body facilities). If no adequate public building locations or offices are available in a given district, a private sector lease may be used; provided that the district office liaison and the director of the legislative council service agree on the office cost; and provided further that the director shall not enter into or execute a lease that includes market-rate rent payments prior to July 1, 2025. Any unreasonable or extraordinary cost for district office space shall be referred to the legislative council for review and approval.

I. A legislator shall obtain office supplies, furniture, equipment or signage for a district office through requests to the legislator's district office liaison or the director of the legislative council service to ensure that funding is available and that proper procurement processes are followed. Any unreasonable or extraordinary costs for office supplies, furniture, equipment or signage shall be referred to the legislative council for review and approval. The legislative council service shall not reimburse legislators for district office expenses that are paid from personal or campaign funds.

J. A legislator, with assistance from the respective district office liaison, may hire a district legislative aide for the district office; provided that the legislator or the liaison shall consult with the legislative council service before making an offer to ensure that all hiring procedures are followed. The legislator may hire a district legislative aide at no less than half-time (i.e., 40 hours per two-week pay period).

K. A legislator may not hire a district legislative aide who is related by consanguinity or affinity with the third degree to the legislator. (See Section 10-1-10 NMSA 1978, Nepotism prohibited.)

L. A district legislative aide is an employee of the chamber of which their legislator is a member, but each works at the pleasure of, the direction of and under the supervision of the legislator. Leave requests for district legislative aides shall be submitted to and approved by the respective district office liaison, in consultation with the legislator.

M. If the office of a legislator becomes vacant for any reason, the respective leadership office shall be responsible for supervising and directing the work of the affected district legislative aide until the vacancy is filled. The new legislator may decide whether to retain the district legislative aide or request a new aide, in which case the previous aide may be terminated.

N. A district legislative aide may be hired at classification E, at no more than 75% of the maximum for that classification's compensation range. The aide is eligible for the same state employee benefits as other legislative employees of the legislative council service. The aide shall reside in New Mexico. To the extent practicable, the legislative aide shall reside in or in close proximity to the district. The legislative aide may work in a district office or on a hybrid schedule to include working from home or in the district

office; provided that if the aide works solely from home, no district office shall be provided.

O. A district legislative aide is subject to the same administrative policies and procedures applicable to the director and employees of the legislative council service, including leave policies; provided, however, that certain policies and procedures may require legislative council review and approval because of the nature of remote district offices.

P. Beginning July 1, 2025, and subject to the availability of funds:

(1) the legislative council service shall reserve for each legislative district a discretionary budget allocation from the legislative appropriation for legislative district staff for expenditure in the fiscal year beginning July 1. The amount of the discretionary budget allocation shall be established annually, and adjusted as needed, by the legislative council. The purpose of the discretionary budget allocation is to provide funding for approved travel for a district legislative aide and for procurement of legislative district office supplies and equipment that are in addition to the basic supplies and equipment provided to all district offices and determined by the director to be appropriate for purchase by the state;

(2) with prior approval of the legislator and respective district office liaison, and within the confines of the discretionary budget allocation for the legislative district, a district legislative aide may receive per diem and mileage pursuant to the Per Diem and Mileage Act for occasional and irregular travel in the state; and

(3) subject to approval by the district office liaison, a district legislative aide may use a state vehicle for business purposes if the aide has completed the required defensive driving training course.

Q. A district legislative aide may provide support to include:

(1) correspondence;

(2) scheduling;

(3) policy research;

(4) constituent services at the local level (state-level constituent services will still be carried out by the chief clerks pursuant to Section 2-14-1 NMSA 1978);

(5) organization of nonpartisan town halls; and

(6) other duties as assigned by the legislator; provided that if there is any question regarding the appropriateness of the duty, the issue should be referred to the legislative council service and the district office liaison.

R. The legislative council service shall provide for or conduct training for district legislative aides to include:

- (1) policies and procedures of the legislative council service;
- (2) use of state resources, IT equipment and cybersecurity;
- (3) general overview of the legislature and legislative process; and

(4) ethics training that covers the Governmental Conduct Act, Lobbyist Regulation Act, Campaign Reporting Act, Financial Disclosure Act, Gift Act, State Ethics Commission Act, Procurement Code, Anti-Harassment Policy, legislative staff code of conduct, electioneering, nepotism and other constitutional and statutory provisions, rules or policies that cover ethical conduct of legislative staff and legislators. (As amended June 23, 2025.)

REVISIONS.--The New Mexico Legislative Council reviewed and updated these policies on August 19, 2019. Any subsequent revision of a policy will include the date of revision at the end of that policy's text.