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SENATE BILL 288

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO GOVERNMENT OVERSIGHT; CREATING THE INTERIM
OVERSIGHT AND GOVERNMENT REFORM COMMITTEE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 2 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] OVERSIGHT AND GOVERNMENT REFORM COMMITTEE
CREATED--MEMBERS--APPOINTMENT--TERMS--VACANCIES--COMMITTEE
CHAIRS.--

A. There is created a joint interim committee of
the legislature to be called the "oversight and government
reform committee". The committee shall be composed of eight
voting members.

B. The speaker of the house of representatives, the
president pro tempore of the senate, the minority floor leader

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1 of the house of representatives and the minority floor leader
2 of the senate shall each appoint two members to the committee.
3 Members shall be appointed from each chamber so as to give the
4 two major political parties in each chamber equal
5 representation on the committee.

6 C. Members shall be appointed for terms of two
7 years beginning with the start of each legislature. The term
8 of any member shall terminate when the member ceases to be a
9 member of the legislature.

10 D. Vacancies on the committee shall be filled by
11 appointment in the same manner as the original appointments. A
12 member appointed to fill a vacancy shall serve until the end of
13 the term for the member being replaced.

14 E. The speaker of the house of representatives and
15 the president pro tempore of the senate shall each designate
16 one co-chair of the committee."

17 SECTION 2. A new section of Chapter 2 NMSA 1978 is
18 enacted to read:

19 "[NEW MATERIAL] POWERS AND DUTIES--HEARINGS--OATHS--
20 STAFF--RULES.--

21 A. The oversight and government reform committee
22 may:

23 (1) review the conduct of any legislator,
24 public officer or employee covered by the Governmental Conduct
25 Act;

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1 (2) review any contracts entered into by the
2 executive branch, including any cabinet department, adjunct
3 agency or administratively attached agency or any other
4 entities governed by the Executive Reorganization Act;

5 (3) compel witnesses to appear to testify at
6 meetings of the committee; and

7 (4) compel documents or other materials to be
8 produced to the committee.

9 B. The committee shall have the power to conduct
10 hearings and to administer oaths.

11 C. The staff for the oversight and government
12 reform committee shall be provided by the legislative council
13 service. The committee may employ a special counsel or outside
14 consultants as necessary.

15 D. The committee may draft rules consistent with
16 its powers."

17 SECTION 3. A new section of Chapter 2 NMSA 1978 is
18 enacted to read:

19 "[NEW MATERIAL] SUBPOENA POWER--REIMBURSEMENT FOR
20 APPEARANCE--ENFORCEMENT.--

21 A. The oversight and government reform committee
22 may, upon a majority vote of the committee members, issue
23 subpoenas on its own behalf in order to:

24 (1) compel testimony before the committee; and

25 (2) compel the production of documents or

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1 other materials to the committee.

2 B. The committee may, upon a majority vote of the
3 committee members, issue subpoenas on behalf of other interim
4 committees of the legislature in order to:

5 (1) compel testimony before those interim
6 committees; and

7 (2) compel the production of documents or
8 other materials to those committees.

9 C. Subpoenas shall be signed by one of the co-
10 chairs of the committee.

11 D. Process of the committee shall be served by any
12 sheriff or any member of the New Mexico state police and shall
13 be served without cost to the committee.

14 E. A person subpoenaed to attend a hearing of a
15 legislative interim committee shall receive the same fees and
16 expenses provided by law for witnesses in district court;
17 except that employees of any branch of state or local
18 government who are subpoenaed in their official capacity shall
19 be reimbursed for travel and expenses as provided by the
20 statutes or regulations pertaining to their department or
21 agency, if applicable.

22 F. In case of failure or refusal on the part of a
23 person to comply with any subpoena issued by the committee, any
24 judge of the first judicial district court, on application of
25 the chief clerk of the house of representatives or the senate,

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1 may issue an attachment for that person and compel the person
2 to comply with the subpoena and to appear or produce the
3 relevant records and testify upon those matters as may be
4 lawfully required. The judge may punish the person for
5 contempt of the legislature, and, if found guilty, the person
6 may be punished by a fine of not more than five hundred dollars
7 (\$500) or by imprisonment in county jail for not more than six
8 months or by both such fine and imprisonment in the discretion
9 of the judge."

10 SECTION 4. A new section of Chapter 2 NMSA 1978 is
11 enacted to read:

12 "[NEW MATERIAL] COOPERATION.--Each agency or institution
13 of the state and its political subdivisions shall, upon
14 request, furnish and make available to the oversight and
15 government reform committee such documents, material or
16 information as may be requested by the members of the committee
17 or its staff that are not made confidential by law."

18 SECTION 5. A new section of Chapter 2 NMSA 1978 is
19 enacted to read:

20 "[NEW MATERIAL] NEW MEXICO LEGISLATIVE COUNCIL--BUDGET.--
21 The New Mexico legislative council shall annually provide an
22 amount sufficient to carry out the duties and mandate of the
23 oversight and government reform committee."

24 SECTION 6. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2012.

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