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HOUSE BILL

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO THE LEGISLATURE; INCREASING THE NUMBER OF MEMBERS THAT COMPRISE THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE; ASSIGNING MONITORING AND OVERSIGHT DUTIES TO LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE MEMBERS; PROVIDING YEAR-ROUND STAFF TO THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE; REQUIRING STATE AGENCY COMPLIANCE WITH THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE'S AND ITS SUBCOMMITTEES' REQUESTS FOR INFORMATION; ESTABLISHING THE COMMITTEE'S AND SUBCOMMITTEES' POWER TO ADMINISTER OATHS AND ISSUE SUBPOENAS; MAKING AN APPROPRIATION.

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

**SECTION 1.** Section 2-13-1 NMSA 1978 (being Laws 1989, Chapter 349, Section 1) is amended to read:

"2-13-1. CREATION OF COMMITTEE--MEMBERS--APPOINTMENT--

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1 TERMS.--

2           A. There is created a permanent joint interim  
3 committee of the legislature to be called the "legislative  
4 health and human services committee". The committee shall be  
5 composed of ~~[eight]~~ twelve members. ~~[The legislative council~~  
6 ~~shall appoint four]~~ Six members from the house of  
7 representatives ~~[and four]~~ shall be appointed by the speaker of  
8 the house of representatives. Six members from the senate  
9 shall be appointed by the committees' committee of the senate  
10 or, if the senate appointments are made in the interim, by the  
11 president pro tempore of the senate after consultation with and  
12 agreement of a majority of the members of the committees'  
13 committee. ~~[At the time of making the appointment, the~~  
14 ~~legislative council shall designate the chairman and vice~~  
15 ~~chairman of the committee.]~~ Members shall be appointed so as to  
16 give the two major political parties in each house the same  
17 proportionate representation on the committee as prevails in  
18 each house; provided that in no event shall either of such  
19 parties have less than one member from each house on the  
20 committee. ~~[Members may be removed from the committee by the~~  
21 ~~legislative council, at the request of the committee chairman,~~  
22 ~~for nonattendance according to council policy.]~~ Vacancies on  
23 the committee, however caused, may be filled ~~[by the~~  
24 ~~legislative council, or the council may reduce the size of the~~  
25 ~~committee by not making replacement appointments and in such~~

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1 ~~case need not readjust party representation]~~ for the unexpired  
2 term by appointment from the house or senate by the respective  
3 appointing authority that makes the original appointments and  
4 subject to the same recommendations; provided that the new  
5 members shall be from the same house of the legislature and the  
6 same party from which their predecessors were appointed. No  
7 action shall be taken by the committee if a majority of the  
8 total membership from either house on the committee rejects  
9 such action.

10 B. The chair and vice chair shall be appointed for  
11 terms coterminous with their membership on the committee. The  
12 chair and vice chair shall alternate between the respective  
13 houses every two years. For the terms beginning in 2023, the  
14 chair shall be a house member, and the vice chair shall be a  
15 senate member. The appointing authority of each house shall  
16 exercise its appointing authority by naming the chair and vice  
17 chair, respectively, on this alternating basis."

18 SECTION 2. Section 2-13-2 NMSA 1978 (being Laws 1989,  
19 Chapter 349, Section 2) is amended to read:

20 "2-13-2. DUTIES OF THE COMMITTEE.--The legislative health  
21 and human services committee shall ~~[conduct a continuing study~~  
22 ~~of]~~ monitor and oversee the programs, agencies, policies,  
23 issues and needs relating to health and human services,  
24 including ~~[review and study]~~ monitoring and oversight of the  
25 statutes, constitutional provisions, regulations and court

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1 decisions governing such programs, agencies, policies and  
2 issues. The committee shall also [~~study~~] monitor and oversee  
3 the full continuum of programs and services available and  
4 needed for children and families and the aging population. The  
5 committee shall make an annual report of its findings and  
6 recommendations and recommend any necessary legislation to each  
7 session of the legislature."

8 SECTION 3. Section 2-13-5 NMSA 1978 (being Laws 1989,  
9 Chapter 349, Section 5) is amended to read:

10 "2-13-5. STAFF.--The [~~staff for the~~] legislative health  
11 and human services committee shall [~~be provided by the~~  
12 ~~legislative council service~~] have a year-round staff assigned  
13 exclusively to carrying out the duties of the committee. The  
14 legislative council service shall provide the staff for the  
15 legislative health and human services committee, which shall  
16 include individuals with expertise in law, policy or finance  
17 related to health care delivery or finance or to human services  
18 matters."

19 SECTION 4. A new section of Chapter 2, Article 13 NMSA  
20 1978 is enacted to read:

21 "[NEW MATERIAL] COMPLIANCE WITH REQUESTS FOR INFORMATION--  
22 POWER TO CONDUCT HEARINGS AND ADMINISTER OATHS.--Each agency or  
23 institution of the state and its political subdivisions shall  
24 furnish and make available to the legislative health and human  
25 services committee or any of its subcommittees such documents,

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1 material or information not made confidential by law and that  
2 are requested by the committee or any of its subcommittees upon  
3 a majority vote of the respective members of the committee or  
4 its subcommittees."

5 SECTION 5. A new section of Chapter 2, Article 13 NMSA  
6 1978 is enacted to read:

7 "[NEW MATERIAL] SUBPOENA POWER.--The legislative health  
8 and human services committee shall have the power to conduct  
9 hearings and to administer oaths. The legislative health and  
10 human services committee may issue a subpoena upon a vote of a  
11 majority of the members of the committee. The subpoena may be  
12 enforced through any district court of the state. Process of  
13 the committee shall be served by any sheriff or any member of  
14 the New Mexico state police and shall be served without cost to  
15 the committee or its subcommittees."

16 SECTION 6. APPROPRIATION.--Five hundred thousand dollars  
17 (\$500,000) is appropriated from the general fund to the  
18 legislative council service for expenditure in fiscal year 2023  
19 to fund staffing for and the activities of the legislative  
20 health and human services committee pursuant to this act. Any  
21 unexpended or unencumbered balance remaining at the end of  
22 fiscal year 2023 shall revert to the general fund.

23 SECTION 7. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is April 1, 2023.