

# The State Legislative Process



Presenter: Milton Bluehouse, Jr.  
Tribal & Environmental Justice Liaison,  
New Mexico Environment Department

# About N.M. Indian Pueblos, Tribes Background

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- ❑ There are roughly 205,000 Indian citizens in New Mexico, or 10.7% of the State population (Including non-N.M. Tribes).
- ❑ There are 22 Indian Nations, Pueblos, and Tribes (19 Pueblos, 2 Apache Tribes, and Navajo) and tribal homelands makes up roughly 12,085.53 square miles or 7,734,739.5 million acres of in the State of New Mexico(9.9% of New Mexico land base).
- ❑ Tribal land base includes 13 counties, 10 State Senate Districts and 12 State House Districts.

# About the New Mexico Legislature

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## □ 42 State Senators

- 42 State Senate Districts
- 9 Standing Committees (Conservation, Corporations & Transportation, Education, Finance, Indian & Cultural Affairs, Judiciary, Public Affairs, Rules, and Committee's Committee)

## □ 70 State Representatives

- 16 Standing Committees (Appropriation & Finance, Agriculture & Water Resources, Business & Industry, Consumer & Public Affairs, Education, Energy & Natural Resources, Health & Government Affairs, Judiciary, Labor & Human Resources, Transportation & Public Works, Taxation & Revenue, Voters & Elections,

# State Legislative Leadership

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## □ The State Senate:

### ■ DEMOCRATS

- **Timothy Z. Jennings** (Dist. 32, Chaves, Eddy, Lincoln & Otero)
  - President Pro Tempore
- **Michael S. Sanchez** (Dist. 29, Valencia)
  - Majority Floor Leader
- **Mary Jane M. Garcia** (Dist. 36, Doña Ana)
  - Majority Whip
- **Lidio G. Rainaldi** (Dist. 4, Cibola & McKinley)
  - Majority Caucus Chair

### ■ REPUBLICANS

- **Stuart Ingle** (Dist. 27, Chaves, Curry, De Baca & Roosevelt)
  - Minority Floor Leader
- **Leonard Lee Rawson** (Dist. 37 Doña Ana & Sierra)
  - Minority Whip
- **Dianna J. Duran** (Dist. 40, Doña Ana & Otero)
  - Minority Caucus Chair

# Leadership (cont.)

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## □ State House of Representatives:

### ■ **DEMOCRATS**

- **Ben Lujan** (Dist. 46, Santa Fé)
  - Speaker of the House
- **W. Ken Martinez** (Dist. 69, Cibola, McKinley & San Juan)
  - Majority Floor Leader
- **Sheryl W. Stapleton** (Dist. 19, Bernalillo)
  - Majority Whip
- **John A. Heaton** (Dist. 55, Eddy)
  - Caucus Chair

### ■ **REPUBLICANS**

- **Thomas C. Taylor** (Dist. 1, San Juan)
  - Minority Floor Leader
- **Daniel R. Foley** (Dist. 57, Chaves, Lincoln & Otero)
  - Minority Whip
- **Anna M. Crook** (Dist. 64, Curry)
  - Caucus Chair

# State Legislative Sessions

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- 30 Day Session
  - January to February
- 60 Day Session
  - January to April
- Special Session
  - After the regularly scheduled sessions
    - Called by the governor to take care of unfinished legislative business

# Learn More About New Mexico State Legislature

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- New Mexico State Legislature
  - <http://legis.state.nm.us/lcs/default.asp>
  
- Legislative Rules
  - House Rules
    - <http://legis.state.nm.us/lcs/lcsdocs/Houserules.pdf>
  - Senate Rules
    - <http://legis.state.nm.us/lcs/lcsdocs/Senaterules.pdf>
  - Joint Rules
    - <http://legis.state.nm.us/lcs/lcsdocs/Joinrules.pdf>
  
- Committee Handbook
  - <http://legis.state.nm.us/lcs/lcsdocs/committeehandbook01.pdf>

# Committees with Indian Affairs Jurisdiction

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- Technically, most committees generally have jurisdiction on matters involving Indian affairs. For example committees on appropriations and or finance, the education, and energy and natural resources.
- Committees with specific Indian affairs jurisdiction include:
  - Senate Committee on Culture & Indian Affairs; and
  - House Health and Government Affairs.

# The State Legislative Process

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## □ Introduction of Legislation

- A Senator or Representative introduces legislation and legislation may have co-sponsors.
- Bills are assigned identifying numbers and titles: HB # for House bills, & SB # for Senate bills. Example: SB 1234 Indian Health Care Act, or HB 5678 Indian Housing Act.

# Types of Legislation

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- ❑ A **Bill**: may originate in either house, but to become law, it must be passed by both houses and signed by the Governor.
- ❑ A **Resolution**: Resolutions are joint, concurrent or simple, and are a formal declaration of the legislature concerning some subject that it either cannot or does not wish to control by law.
- ❑ A **Memorial**: expression of legislative desire that is usually addressed to another governmental body in the form of a petition or declaration of intent.

# Committee Action

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- ❑ After legislation is introduced, it is referred to the committee that has jurisdiction over the subject of the legislation.
- ❑ A committee may:
  - recommend to the legislative body that a bill DO PASS, DO PASS AS AMENDED or DO NOT PASS, or refer the bill back to the floor WITHOUT RECOMMENDATION;
  - substitute a new and similar bill for the original bill, incorporating changes the committee wishes to make;
  - recommend referral of the bill to another committee; or
  - simply do nothing and let the bill die by not reporting it out of committee.

## Committee Action (cont.)

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- ❑ Committee reports are subject to adoption by the full House or Senate. When a favorable committee report is adopted, the bill is placed on the calendar, which is the schedule of business the House or Senate will consider on a given day.

# Floor Action

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- ❑ When a bill is called for its third reading, members may debate its pros and cons on the chamber floor. Amendments may be added at this stage, or the entire bill may be substituted by another bill similar to it. The sponsor of the bill is allowed to close debate by speaking last on the bill. A final vote is taken and recorded.
- ❑ If a bill receives a favorable vote, it is sent, with a letter of transmittal, to the other house, where it follows much the same procedure. To many, this duplication of process may seem unnecessary; however, this duplication in our form of government provides a necessary check to ensure that all aspects of the bill have been considered before it is enacted into law.

# Concurrence & Conference

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- ❑ A bill that is amended in the second house must be sent back to the first house for agreement.
- ❑ This is called concurrence. If concurrence is denied, the second house votes on whether to withdraw its amendment. If the second house fails to withdraw, the bill is usually sent to a conference committee to work out a version agreeable to both houses.
- ❑ The report of the conference committee must be agreed to by both houses in order for the bill to pass.

# Action by the Governor

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- The Governor upon receiving legislation can:
  - Sign the bill into law or veto the bill.
    - A note on vetoes: A bill received by the Governor during or after the last three days of a legislative session is automatically vetoed if the Governor does not sign a bill within 20 days of the legislature's adjournment. This is called a "pocket veto." On the other hand, a bill received by the Governor with more than three days left in the session automatically becomes law if the governor doesn't sign the bill within 20 day (unless he or she vetoes it).

# Overriding a Veto

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- ❑ The legislature may override the governor's veto by a two-thirds' majority vote of each house.
- ❑ If vetoed... game over... come back next year.
- ❑ If veto is overridden... welcome back.

# References:

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- United States Census
- New Mexico State Legislature
  - Legislative Handbook,
  - House and Senate Rules
  - Committee Handbook
- New Mexico Secretary of State
  - New Mexico Bluebook
  - New Mexico State Roster of Elected Officials