

UNM 2009 LEGISLATIVE SESSION

Legislative Highlights

Here are highlights of the 2009 Legislative Session as pertains to UNM. 1,685 bills were introduced in the House and Senate. In addition, the House introduced 218 memorials and 33 resolutions. The Senate introduced 184 memorials and 21 resolutions (see note below). UNM tracked 198 pieces of legislation affecting higher education, health, health sciences and public employee retirement, including its own UNM Master Plan legislative priorities for 2009.

Capitol Outlay was handled differently this year, due to the economic downturn and state/federal revenue shortfalls. In previous sessions, individual legislators received a portion of the Capital Outlay budget to appropriate to projects for their districts. This was not the case this year. However, HB 154 "SEVERANCE TAX BOND PROJECTS" (Sandoval) and SB 443 "CAPITAL OUTLAY PROJECTS REAUTHORIZATIONS" (Cisneros) appropriated funding for capital projects, including UNM. (Note: when Capital Outlay money is appropriated for projects not yet used, it may be "reauthorized".)

UNM capital outlay projects included in HB 154 are:

- UNM Engineering Nano-Bio Tech Center \$ 2,000,000
- UNM Film 7 Digital Media Center \$ 4,000,000
- UNM Taos Early Childhood Care Center \$800,000

A list of reauthorized projects can be viewed by agency [here](#). See page 22 for UNM projects.

Look [here](#), on page 5, for other UNM capital projects approved this session.

Here are some notes on bills, memorials and resolutions:

When a bill passes both the House and Senate, [the governor may sign a bill, veto it or refuse to act on it](#). If the governor fails to act on a bill within three days after he receives it (Sundays excepted), it becomes law without his signature, unless the legislature has adjourned within those three days. The governor has 20 days after the session has ended to act on those bills sent to him during the last three days of the session and those sent to him after the session has adjourned. If he does not sign or veto those bills within the 20-day limit, they are considered vetoed (pocket veto). After the governor signs the bill, it is sent to the [secretary of state](#). The secretary of state assigns the next available chapter number and the act becomes part of the session laws for that year.

A resolution is a formal declaration of the legislature concerning a certain subject it cannot or does not wish to control by law. Resolutions are joint, concurrent or simple and require no action on the part of the governor. By far, the most common resolution is a joint resolution proposing to amend the constitution of New Mexico and must be voted on in a public election to become law. Joint resolutions are generally used to:

1. Propose amendments to the state constitution;
2. Ratify amendments to the federal constitution; or
3. Express the approval of the legislature in those instances where by statute the legislature has required only legislative (not executive) approval, such as approving the sale, trade or lease of state-owned real property as required by law. (Section 13-6-3 NMSA 1978).

A concurrent resolution is a declaration by either house that is concurred in by the other house. This form is used for the adoption of joint rules of the legislature. A simple resolution is a declaration by either house expressing the feeling of that body on some subject. It does not require participation by the other house.

A memorial is an expression of legislative desire, usually addressed to another governmental body, in the form of a petition or declaration of intent. Memorials are also used for public acknowledgement, praise and condolences, but Joint Rule 6-1 does not support that use. Memorials can be either joint or simple and require no action on the part of the governor. When they are "signed" it is because they have been signed by the leadership of the appropriate chamber(s) and not the governor. Note that although memorials often direct state agencies to conduct studies, the request is not binding, and the specified agency may choose to not act based on lack of resources, etc. For this reason, memorials, and certain resolutions, are generally written as requests, not demands. Joint memorials are memorials acted upon by both houses. Simple memorials are those of only one house and do not require the approval or acquiescence of the other house. Joint resolutions and joint memorials are usually printed, but frequently simple memorials will be ordered "not printed, not referred to committee" because of their limited function. Resolutions and memorials are enrolled and engrossed after passage and copies are sent to the secretary of state for distribution. Joint resolutions proposing amendments to the constitution of New Mexico are numbered consecutively by the secretary of state who arranges for them to be placed on the ballot for submission to the people.

A note on legislative changes to Public Employee Retirement:

HB 854 "PERA MEMBER & STATE CONTRIBUTION CHANGES" requires state workers, public school and higher education employees to pay an additional 1.5% into their pension funds during the next two years. This change produces a \$40 million annual savings in the state budget and will have a small impact ranging from \$0 - \$5.89 per pay check depending on individual tax status. The

reasons stated for this legislation are based on the current economic downfall: Although the Obama stimulus package will help next year by providing federal funds to help states meet their obligations, New Mexico lawmakers still had to find a way to make up for lost revenues this year. Across the nation, many public employees have lost their jobs permanently and state lawmakers wanted to avoid the same situation here and protect retirement benefits for public employees. It was argued that if given the chance, public employees would choose a few dollars less per pay check for two years in order to keep their jobs. The legislature approved a "small pension fund increase to protect New Mexico jobs, families and the state economy". This bill passed both the House and Senate and has been sent to the Governor. Click [here](#) for more information on the bill.