



## II. How the process works.

Bills are developed by a member of the House or Senate who works with a Bill Drafter from the Legislative Council Service to ensure that the bill is clear, legal, and meets the NM constitutional requirements represented in the standard structure of a bill.

During the first half of any regular NM Legislative Session bills may be introduced by their 'sponsor' (a member of the NM House or Senate) in the sponsors' respective chamber (House or Senate). Once a bill is introduced, it is usually assigned to one or more Permanent Committees (also known as "Standing Committees"), i.e. Committees which only meet during the Session and have only members of that House on the Committee).

Bill sponsors can and usually do complete a printed post-it note attached to the original copy of the bill to be introduced with their recommended Committee referrals but the ultimate decision about Committee referral(s) is made by the Senate Majority Floor Leader Peter Wirth in the Senate and the Speaker of the House Brian Egolf in the House after their staff have reviewed the bill and made their recommendation based mostly on where bills of similar subjects have been referred in the past.

You can learn a good deal about how the Leadership feels about a bill by its Committee referrals.

### ***How many committee assignments is critical.***

- One committee referral generally means that leadership in that chamber wants this bill to sail through to the Floor for a vote on final passage in that House. It is ~~some what~~ somewhat unusual however for a bill to have ~~but~~ only one Committee to which it is referred.
- Two Committee referrals is the most common path for any bill and in a 60-day session is not an insurmountable obstacle to passage, assuming that Committees act expeditiously with scheduling and hearing the bill;
- Three or more committee referrals is generally a sign that the Leadership of that chamber would prefer the bill not reach the House or Senate floor for a vote on final passage.

### ***Which committee(s) a bill is assigned to is also very important.***

- Even with but one Committee assignment, not all Committees are the same and in some instances assignment to specific Committees may signal a desire to "kill" the bill. Among the Committees known to be the graveyard for good progressive bills:
  - House Appropriations and Finance Committee chaired by Rep. Patty Lundstrom but also including a number of fiscally moderate Democrats.
  - House Business & Industry Committee was chaired by Rep. Debbie Rodella until the 2018 Session ~~but~~ and also included Rep. Carl Trujillo. With only a 6-5 Democratic majority, either of these Representatives could and often did kill

good bills . They were both primaried in 2018 and both lost their seats so this Committee may not be the graveyard it had been for progressive legislation.

- In the Senate, the Corporations and Transportation Committee, chaired by Sen. Clemente Sanchez, co-chaired by Sen. Benny Shendo and with Sen. Mary Kay Papen a member, ~~three~~ these were three frequently conservative votes in a Committee that was split 5-3 between Democrats and Republicans.
- Also, the Senate Finance Committee, chaired by Sen. John Arthur Smith with support from Sen. George Munoz and occasionally Sen. John Sapien, had only a two vote Democratic majority so this is a Committee where many bills die. Sen. Smith has enormous influence and is very reluctant to tap into the Permanent Fund, to raise taxes, or to eliminate tax cuts implemented by past Administrations.

### III. The Committee Hearing Process and How to Have an Impact

#### *How Can Committees Quietly Kill Good Bills.*

Some of the common Committee practices that can quietly kill a bill.

- **The Committee Chair failing to schedule the bill.** Most often bills are heard by a committee in the order in which the bills are sent to that committee. But a Committee Chair can simply not schedule the bill for a hearing. If this is happening to one of our bills, our strategy will be to pressure either Senate Floor Leader Wirth or Speaker Egolf to find out what is going on and to encourage them to press the Chair to hear the bill. We would also seek support from other Democrats on the Committee, Democrats we know and/or we suspect would support the bill. If this is happening, it is often a sign that leadership wants the bill to die quietly. If that is the case, we have a problem.
- **The bill is tabled.** Any number of ‘reasons’ can be used to justify tabling the bill and the vote is not recorded ~~in~~ on the NM Legislative bill summary page. There are two ways to ~~secure~~ determine who moved and voted to table a bill. First, if you are present in a Committee hearing when a tabling motion is voted on, you can observe who voted to table, who voted against tabling and who may have “taken a walk” from the Committee Room before the vote. Retake will document any tabled bills and identify those who vote to table progressive legislation. Legislators have become accustomed to being able to kill bills by tabling them quietly without a public record of their vote. We want legislators to know we are watching and that we are reporting what we see to their constituents.
- **In a closely divided committee,** with 6-5 Democratic majority for example, a single Democrat can be absent or excused from a vote for a variety of reasons that have little or nothing to do with the merits of the bill, e.g. personal illness, family emergency, being called to a meeting in the Governor’s Office, simply needing a bathroom break or taking a phone call in the hallway, etc. Intentionally avoiding a vote as a strategy is more difficult to implement in the House as most Committees will have a 3-4 Democratic

member majority. In the Senate this strategy can still work as some Committees are closely divided.

An important role for our volunteer advocates is to carefully observe what is said and by whom, seeking to better understand who our allies are and who are not our allies. We also want advocates to record the vote and observe and record who doesn't vote.

***What you can do to advocate for your bill before a committee hearing is called.***

- Send an email to Committee members **and** call their office to leave a message with their secretary, asking them to pass the bill (be sure to reference the bill by bill number and by House or Senate Chamber, e.g. HB 325, SB 199, when you leave your message). It is **far** more effective if the call is from a constituent of that legislator. Note that not all legislators are computer literate or find time to read their e-mails during the Session, so calls are important. This is also a reason we will be circulating flyers to Legislators throughout the session. Roundhouse Advocacy Team members will develop speaking and writing points for all bills we support and disseminate them through the network, specifically sending alerts to constituents in the districts of Committee members.
- Develop a flyer (“one pager”) for the bill and distribute it to members of the Committee before the Committee hearing. It is recommended that the “one pager” be reviewed and approved by the bill sponsor BEFORE it is distributed to legislators. The sponsor may have “inside” information we don’t have about contents of the “one pager” that may negatively influence their vote in Committee. Roundhouse Advocacy Team members will develop one pagers for all bills we support prior to the Session beginning and then as new bills are introduced that we will support.
- Distribute a one pager to the Legislative Analyst(s) assigned to the Committee where the bill will be heard. This should be done at least a day or two before the hearing takes place as the Legislative Analyst(s), at the direction of the Committee Chair, often develops a written Committee Analysis of each bill for Committee members and the one pager may influence what is contained in the Committee Analysis. This Committee Analysis is added to the Committee Briefing Book on the Committee Table for members of the Committee and bill sponsors not on that particular Committee, along with the Fiscal Impact Report (FIR) prepared by the staff of the Legislative Finance Committee, but unlike the FIR’s, Committee Analyses are not published on the Legislative Website for the public to read (though they are probably public information, so ask for a copy!).
- Distribute enough one-pagers for each Committee member and staff just prior to the start of the hearing. To do this, give the one-pager to the Assistant Sergeant at Arms for the Committee and ask that s/he distribute them to Committee members prior to the hearing with permission of the Committee Chair. Some Committee Chairs will want to read the one pager to screen for inflammatory or otherwise derogatory information and may request the Assistant Sergeant at Arms not distribute the one-pager to the Committee

### ***What you can do while the committee is in session.***

In most hearings, public comment is sought according to the sequence below.

ALL comments are directed through the Committee Chair; e.g. “Mr. Chairman, members of the Committee, my name is \_\_\_\_\_ and I represent \_\_\_\_\_”, or “Madame Chair, Senator Smith, the answer to your question is \_\_\_\_\_.” This helps maintain courtesy and de-personalizes the debate.

There are almost always multiple bills being heard in a hearing and yours may be last. Be prepared to sit for awhile in most instances. I bring my laptop and get work done while waiting for my bill to be heard. In most hearing rooms I have found plugs where I can keep my laptop charged, but I bring a short extension cord to facilitate this.

If you can, use the “buddy system” so your “buddy” can remain in the Committee Room during the hearing if you need to take a short break for food, coffee or other personal needs.

You can drink water in the Committee Room but you can’t eat food unless you have a medical need. Do not read newspapers in the Committee Room. If you have a special need for assisted hearing devices, mobility, etc., let the Assistant Sergeant at Arms know prior to the hearing and the legislative staff will make every effort to reasonably accommodate you. Remember also that all Committee hearings and Floor Sessions are webcast on the Legislative website if you want to monitor what else is taking place in the Roundhouse while you are in a particular Committee Room.

### ***Do’s and Don’ts Making Public Comment***

Advocates in the adversarial judicial process seek to “win” a case by persuading a judge, jury or hearing officer that his/her client is “right” and the opposing party is wrong based on the law and facts. In that context testimony or comment can be highly adversarial. That is not what works in the legislative process.

The goal in the legislative arena is to pass a bill through the legislative “gauntlet” of committees and floor sessions, usually only with a simple majority needed at each stop on the way to keep your bill alive so the Governor has the opportunity to sign it into law.

Adversarial arguments tend to “turn off” legislators to whom they’re directed.

Legislators want to be assured that the bill, if it were to become law, constitutes good public policy and there will be minimal, if any, negative political repercussions to their reelection chances.

Legislators during regular legislative sessions are often very busy, multi-tasking and in various stages of information “overload” and fatigue.

The ABC’s of legislative advocacy are crucial to your success:

**Be Accurate, Brief and Courteous!**

Legislative Committees usually have long agendas during the Regular Session so:

- Do NOT be: long-winded or argumentative; do NOT use PowerPoints or demonstrative evidence such as charts and graphs or stacks of technical documentation.
- You are not under oath at the NM Legislature, but your credibility is everything.
- If you don't know the answer to a question, indicate you will do further research and get back to the legislator asking for the information.
- Follow the lead of your legislative sponsor – less is usually better.
- It's OK to laugh at a joke or wry comment made by a legislator but don't initiate humor – it's their sandbox/playground.
- Do not vilify your opposition personally and do not intentionally alienate any legislator whose vote you might need on another bill.

REMEMBER MOST NM LEGISLATORS ARE NOT LAWYERS! MAYBE 10% ARE LAWYERS AT ANY GIVEN TIME. Yet this is statutory law being made mostly by non-lawyers.

It is important to understand the difference between a Lobbyist, a Technical Expert and a Volunteer Advocate in Committees and on the Floor of the Legislature.

Generally, you are a “lobbyist” if you are compensated for attempting to influence any legislative matter or any “official action” and official lobbyists must be registered with the Secretary of State. Technical experts are typically agency staff who are there to answer questions to assist the bill sponsor but not to take a position pro or con on the bill. We are volunteer advocates.

**Expert Witness on the Floor** –These are experts in the field and those who testify are selected by the Bill Sponsor. Only legislators can speak on the Floor so the expert witness must communicate to the sponsor debating the bill either through written notes or whispered comments for the sponsor to repeat as part of the debate.

**Public Comment Pro or Con During a Committee Hearing.** This. This is where we fit in, as the public, making our comment to the committee. It is a good idea to be wearing the Retake Our Democracy button, to mention that you are part of the statewide organization, Retake Our Democracy and its Roundhouse Advocacy Team. We will provide some specific speaking points for ensuring you capture what is most desirable to convey. Often this will include reference to how many Roundhouse Rapid Response Network members there are in each Democratic Member's district and that while they can't be here; we are speaking for them.

**When your bill is called.**

1. Chair recognizes bill sponsor to present bill to the Committee.
2. Bill sponsor summarizes purpose of bill and content. (Hand-outs are optional – distributed by the Assistant Sgt. At Arms assigned to the Committee.)

3. **Chair recognizes members of the audience for public comment – Pro/Con.**
4. Chair recognizes members of the Committee for questions/comment.
5. Chair may ask questions/comment.
6. Chair entertains a Motion from the Committee and a Second for the Motion.
7. Motion may be one of the following four:
  - a. Do Pass
  - b. Do Not Pass (usually only moved when a Committee Substitute will replace the original bill on the Committee Agenda)
  - c. No Recommendation (often referred to as a “No Rec”)
  - d. Table (Not subject to debate)

Once public comment closes, your role is simply to watch and take notes. The audience is typically not called upon to answer questions from the Committee unless a question is specifically directed to a member of the audience by a legislator.

The vote may be taken by voice vote or by roll call vote and is recorded by the Committee Secretary seated next to the Committee Chair. The Committee Secretary creates a written Committee Report after the Committee Hearing which includes all votes on Motions to amend or pass the bill. The Committee Report then goes to the Floor for adoption or non-adoption by the whole body (usually at the next full meeting of the house which heard the bill in Committee).

Adoption does not mean a vote to approve the bill but rather a motion to ~~accept~~ adopt the Committee Report. It is unusual for a Committee Report not to be adopted. But if it happens, something is afoot. Important: when a Committee Report is not adopted, the bill is dead and cannot be brought back to life on a Motion to Reconsider the vote.

If a favorable (i.e. the Committee voted “Do Pass” or “No Rec”) and the Committee Report is adopted by the full Floor, the bill moves on to its next referral, either another Permanent Committee of that House or the Floor Calendar for final consideration by that House.

The same principles apply as to advocating at a second or even third committee hearing.

### **What Happens if the Senate and House Pass Slightly Different Versions of the Same Bill?**

When different versions of the same bill are passed by each House, the bill is sent back to each House for it to “concur” or “recede” to the other Houses’ changes. If no concurrence is reached, the bill is sent to a Conference Committee per the Joint Rules of the Legislature. If agreement is reached in the Conference Committee by the 3 members of each House appointed to the Conference, then the Conference Report is referred back to the Floor of each House which must approve the Conference Committee Report for it to “pass” the Legislature and move on to the Governor for approval or veto.

Members of the public can observe the Conference Committee proceeding but no public comment is solicited as in “regular” Committee hearings.

### **Our Bill Passed in Both House. Now What?**

Once passed by both chambers, the bill goes to the Governor who has 20 days to sign the bill or veto it or pocket veto the bill if it passed during the last 3 days of the Session. While we have grown accustomed to having most ~~a~~ good bills vetoed by Governor Martinez and are relieved to have a Democrat as Governor for the 2019 Session and beyond, we can't be too presumptuous that all the bills we favor will be signed by the Governor. We will be developing a communication channel to ensure that once one of our bills is passed, the entire Roundhouse Response Network floods the Governor's in-box with messages encouraging her signature.

These messages will be positively framed and operate from the assumption that, of course, she will sign this bill and thanking for doing so. It will also include the primary reasons why this bill would benefit New Mexico.

**Flash forward four months. Congratulations. It is March 16 and every single one of our MUST PASS bills has passed. Thanks to you.**