



BUREAU OF BUSINESS
& ECONOMIC RESEARCH



General Examination of Legislative Modernization in New Mexico

Prepared for the New Mexico Legislature

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Acknowledgments

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We take full responsibility for any errors or oversights that may be contained within this report.

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Executive Summary

In 1912, New Mexico became the 47th state admitted to the United States of America. Both then and today, the New Mexico government is comprised of an executive, legislative, and judicial branch. Two years before New Mexico became a state, the 1910 Census estimated New Mexico's population at 327,301 residents.¹ Today, New Mexico is home to a population of 2,117,522 persons.² Over time, the complexity of running a modern state government has increased, causing some to call for legislative reforms.

In 2022, the allocated budget for the State of New Mexico's three branches of government totaled \$18.4 billion, though only \$8.7 billion was expended, resulting in a net positive balance of \$9.7 billion.³ Each branch of the government receives its own budget allocations and reports back on actual expenditures. The executive branch takes up the bulk of the state's budget as it is responsible for managing the many state agencies that answer to the governor. Of the total \$9.7 billion spent in 2022, the legislative branch's expenditures amounted to \$3.2 million, representing only 0.04% of the total state budget.⁴

2022 New Mexico State Government Expenditures

Branch	2022 Expenditures	Percent of State Expenditures
Executive	\$8,546,602,232	97.91%
Legislative	\$3,214,137	0.04%
Judicial	\$179,623,921	2.06%
Total State Expenditures	\$8,729,440,290	100.0%

Legislative Modernization

Legislative modernization refers to both individual and institutional changes to the legislature designed to improve its efficacy and increase its capacity. There are three primary areas that scholars look at when analyzing legislative modernization or professionalization: legislative staffing, legislator compensation, and session length.⁵ The concept of modernization generally involves assessing the degree to which a legislature operates as a separate and independent branch of government and evaluating the factors that impact its

¹ US Census Bureau: <https://www2.census.gov/library/publications/decennial/1910/abstract/supplement-nm.pdf>

² US Census Bureau: <https://data.census.gov/profile?q=0400000US35>

³ Budget data is publicly available on the New Mexico Sunshine Portal. <https://ssp3.sunshineportalnm.com/#budget>

⁴ Throughout this report, figures are rounded either to hundredths or tenths and therefore may not sum to 100%.

⁵ This focus can be traced back to work published by the Citizen's Conference on State Legislatures (CCSL) and, separately, Political Scientist Dr. John Grumm. Both generated metrics for assessing the professionalization of state legislatures, some of which have been honed into the primary three subjects analyzed in this report. Further, Mooney 1994 assesses different methods of measuring professionalization.

ability to effectively generate policy, manage the state budget, and balance the powers of the executive and judicial branches.

Legislative staffing is considered by many scholars to have a strong relationship to legislative capacity.⁶ It is generally quantified by looking at the ratio of legislative staff to legislators; this metric is used to gain a better understanding of how many individuals are available to assist with the legislative process. Additionally, modernization measures often include whether staff are assigned to legislators individually and if those staff are considered partisan or nonpartisan.

Legislator compensation includes all forms of compensation, such as salaries, benefits, retirement, per diem, mileage, and reimbursement for other costs incurred during the performance of legislative duties. Each state sets its own compensation rules, which vary widely from state to state. New Mexico is the only state that does not provide a set salary for its legislators, but due to the per diem and mileage they receive, New Mexico's legislators, on average, do not receive the lowest compensation nationally, though it is difficult to compare salaried positions to non-salaried positions, especially when daily pay rates fluctuate in some states resulting in inconsistent annual compensation. Nevertheless, the National Conference of State Legislatures estimates legislator salary annually from the more stable, salaried figures. They found that the national average salary in 2021 for a state legislator was \$39,216.⁷

Session length looks at the maximum limits of a legislative session and how many actual days legislators spent meeting during the designated session. Some states set restrictions on the length of a legislative session, whereas others remain unrestricted.⁸ The length of a session affects the time legislators have to develop and vote on policy as well as set the state's budget. Two of the primary arguments for changing session length are that legislation would be better developed with more time for review, debate, and analysis prior to voting and a longer session would provide more time for the legislature to balance the executive branch's power.

Description and Limitations of the Study

The primary data for this study come from survey and interview data. Formal, in-depth interviews were conducted between June and October 2022 and surveys were conducted between July and December 2022. Forty-four (44) legislators participated in the survey and 24 were formally interviewed. Further, BBER was formally interviewed senior staff in most of the legislative agencies and received staff surveys from 100 individuals.

Throughout the research, we also conducted informal interviews and had innumerable conversations with legislative professionals and researchers both within and outside of New Mexico. The interview and survey questions were developed with these professionals' help alongside existing research on legislative modernization and professionalization.

⁶ See Rosenthal 1998, Woods and Baranowski 2006, and Krebs and Rocca 2022 for discussion on the relationship between staff and legislative capacity.

⁷ More on compensation estimates can be found on the NCSL website. <https://www.ncsl.org/about-state-legislatures/2022-legislator-compensation>

⁸ NCSL details historical changes in session length on their website at: <https://www.ncsl.org/resources/details/legislative-session-length>

Utilizing our rich primary data and the wealth of research on modernization, this report assesses legislative staffing roles, needs, and goals, identifies how the time legislators spend on legislative tasks is allocated and compensated, analyzes if barriers exist for legislators to fulfill legislative responsibilities, and generates rough cost estimates for potential changes to the legislative structure.

However, this report is limited in three main ways. First, the study does not offer recommendations for legislative action. Second, the primary data collected from legislators and staff is voluntary and therefore may not be a perfect representative sample of the legislature, though we made many efforts to reach a representative cross section of voices. Third, each objective has multiple moving pieces; our cost analyses reflect a variety of scenarios but cannot capture all possible iterations.

Key Findings

The findings of this report are based on more than 33 in-depth interviews, 144 surveys, policy data and information both within and outside of New Mexico, cost estimates from existing state documentation and agencies, and scholarly and historical information about the nature and scope of legislative modernization. The findings in this report are intertwined; for example, it may be difficult to change the session length without considering legislator compensation changes. However, we isolated each topic to try to better gauge how individual changes would be perceived by those who were surveyed. Further, each cost estimate corresponds to the change to that component alone. Our estimates cannot be added together to reach a “grand total,” as they include overlapping costs; for example, per diem and mileage are included in both the session figures and the compensation figures.

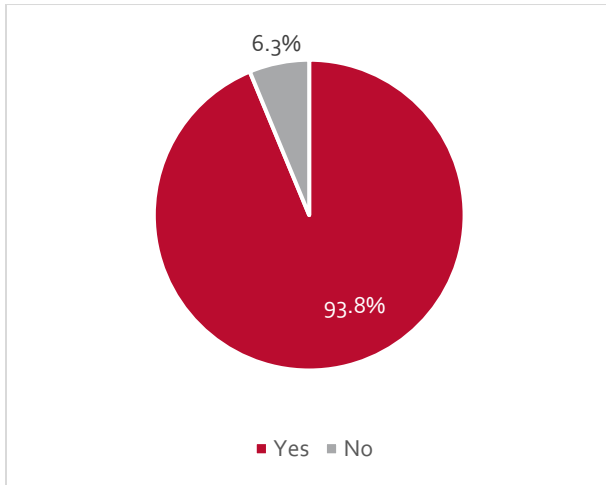
Legislative staff support is the most critical component of a functioning legislature.⁹ Legislative staff functions range from primary research and analysis to event and meeting coordination to building maintenance. However, many New Mexico legislators describe the need for additional staff, specifically individual professional staff, to assist with the day-to-day needs of being a public servant and helping the legislators fulfill their constitutionally mandated responsibilities to ensuring that the legislature remains a coequal branch of the government.

In the legislator survey, we asked legislators if they felt individually assigned, or dedicated, staff could provide services not currently provided by legislative staff. Of those surveyed, 93.8% of respondents indicated that dedicated staff could provide additional services.

⁹ Krebs and Rocca. 2022. “Report on Legislative Professionalism for the State of New Mexico.”

Legislative Staffing

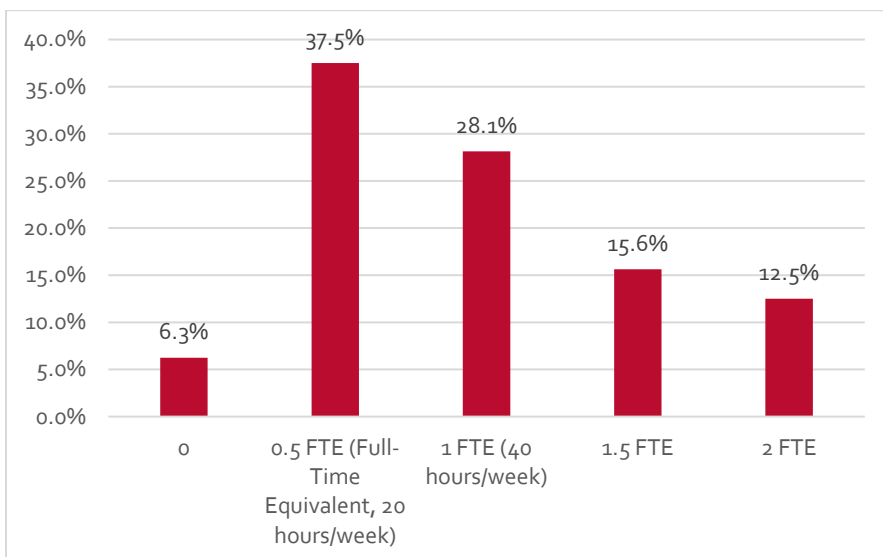
Percent of respondents who feel dedicated staff could provide services not currently provided by legislative staff, 32 respondents



With nearly every survey respondent (93.6%) indicating a desire for additional staffing, we asked legislators how many staff would help make performing their duties as a legislator more effective. Some respondents indicated that their staffing needs would decrease if legislators themselves received a salary. However, we asked respondents to consider current conditions, not hypothetical ones, when answering each section on modernization.

The survey results show that legislators feel they would benefit most from part-time (.5 FTE, 20 hours/week) or full-time (1 FTE, 40 hours/week) dedicated assistance. The 6.3% of respondents who indicated they require zero hours of assistance in this question aligns with the previous question asking if they would benefit from any type of additional assistance at all.

Number of Dedicated Staff Desired by Legislators for Effectiveness, 32 respondents

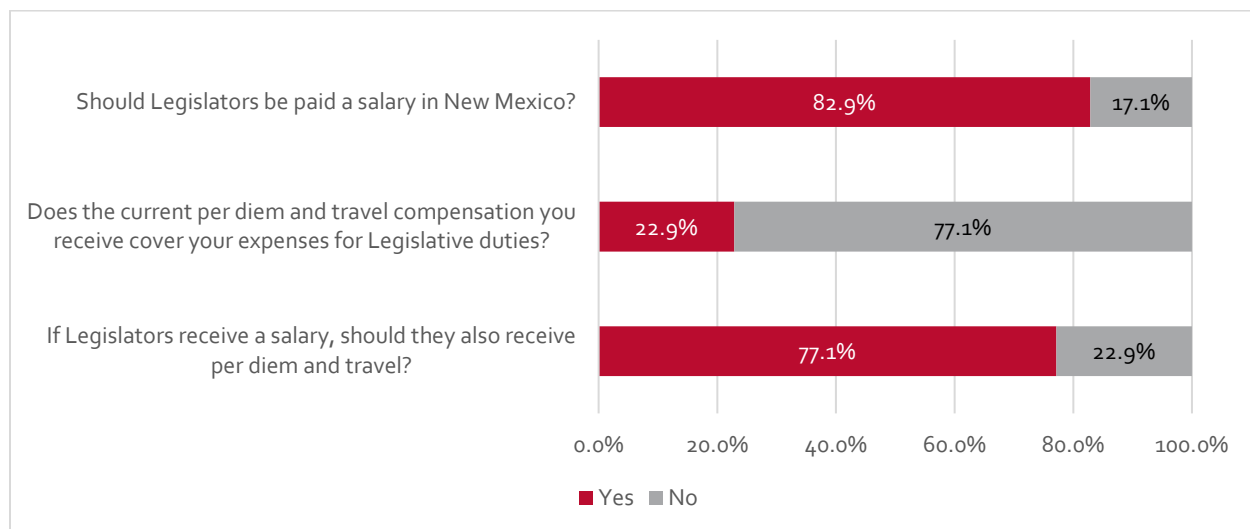


In the Legislative Staffing chapter of this report, we give depth to this conversation by adding the voices of current staff, noting their perspectives on staffing needs and resources. We also provide cost estimates in that chapter for potential new dedicated staff in regional offices at the ratio of one per legislator. Those estimates range from an initial cost of \$11,325,725-\$12,087,834 to set up a new system.

Legislator Compensation

In the survey of legislators, we asked a series of questions related to current and potential compensation. The respondents overwhelmingly reported feeling that legislators should be paid a salary (82.9%). We additionally asked if the current compensation structure covers costs related to legislative duties. 77.1% reported that the compensation does not cover their expenses. The same percentage also stated that they should continue to receive per diem and mileage if they are paid a salary, as is widespread practice in many other states. Estimating from various scenarios for legislator compensation, we found new costs to the state may range from \$5,983,125 - \$10,389,456 annually.

Initial Questions for Legislators on Compensation (35 respondents)



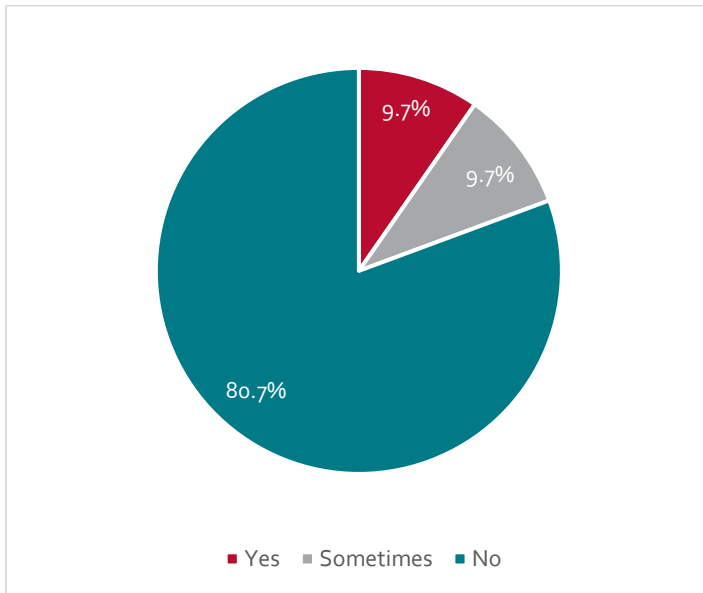
Session Length

One of our first survey questions on session length asked legislators,

“Given the current session structure, do you feel you have enough time in your role as a Legislator to review, research, analyze, and draft bills or amendments, listen to and consider public input in detail and in depth, debate the impact of legislation with your colleagues (Caucus and Minority Party) during Committee Hearings, and on the floor, and vote on Legislation?”

Less than 10% said they always have enough time to complete the listed tasks under the current session structure. 80.7% reported they do not have enough time.

Legislators' Report on Having Enough Time to Complete Tasks Given Current Session Structure, 31 respondents



In the past ten years there have been multiple amendments introduced proposing changes to the current session length. Combining that information with the reported lack of time to complete legislative duties indicates there is interest in change, though the suggested changes may not easily be agreed upon. In the interviews, legislators noted the complexity of issues facing New Mexicans and the difficulty of being well-educated on a multi-billion dollar budget in such a short period of time.

Since becoming a state in 1912, the complexity of running and effectively managing the modern New Mexico government has increased, causing some to call for legislative reforms. This report will combine a brief historical and structural overview of recent calls for legislative reform with voices from inside the legislature, aiming to bring together suggestions and initiatives into one document to help facilitate the continued conversation on legislative modernization in New Mexico.

Introduction

1.1 Study Background

In spring 2022, the New Mexico legislature appropriated funds for FY 2022 to The University of New Mexico's Bureau of Business and Economic Research (BBER) to investigate legislative modernization, focusing on three primary topics: staffing resources, legislator compensation, and session length & scope.






The funding for this work was put forth by Representatives Joy Garratt and Angelica Rubio with junior appropriation monies. While the text of the appropriation shaped the primary research topics for the study, BBER was careful to conduct its work in an objective fashion. This included validating information with non-partisan sources, including the legislative staff agencies such as the Legislative Finance Committee (LFC), the Legislative Council Service (LCS), and national entities such as the National Conference of State Legislatures (NCSL).

This report summarizes the results of the study.




1.2. Purpose of the Study

Legislative modernization research examines individual and institutional changes to the legislature focusing on the factors that impact its ability to effectively generate policy, manage the state budget, and balance the power of the executive and judicial branches. To that end, BBER collected data from legislators and legislative staff to better understand how modernization is perceived internally and how structural changes may affect the workings of the legislature.

The purpose of this report is to:

-  Assess legislative staffing roles, needs, and goals from both the staff and legislator perspectives.
-  Identify how legislators allocate time to legislative tasks is allocated and how they are compensated.
-  Analyze what barriers may exist for fulfilling legislative responsibilities.
-  Generate rough cost estimates for potential changes to legislative staffing, legislator compensation, and session shifts.
-  Compare New Mexico's legislative structure to comparable states throughout the United States.

This report is limited in three regards.

-  The study does not offer specific recommendations for legislative action. Rather, the aim of this study is to outline some of the challenges and opportunities of modernization.
-  The primary data collected from legislators and staff is voluntary and therefore may not be a perfect representative sample of the legislature, though we made many efforts to reach as many individuals with varying perspectives as possible.
-  Each objective has multiple moving pieces; our cost analyses will reflect a variety of scenarios but cannot capture all possible details and iterations.

Background

2.1. Legislative Modernization

This section draws from multiple sources to generate a basic overview of the concept of legislative modernization. Full references can be found in Appendix E: References.

2.1.1. Modernization Defined

Legislative professionalization, as it is often called in academic scholarship, generally examines both individual and institutional changes to a legislature, purportedly designed to increase its strength and capacity with respect to the other branches of government. Throughout this study we use the term “modernization” to more closely mirror the language used to commission this study and to emphasize the institutional characteristics of the legislature rather than the individual characteristics of the legislators themselves.¹⁰ Modernization is often used outside of academia and definitions are often similar, though the details vary among commentators. The concept of modernization generally involves understanding the degree of independence that a legislative body has as its own separate and distinct branch of government, and the factors that impact its ability to effectively generate and innovate policy, manage the state budget, and balance the power of the executive and judicial branches.

It has been noted that there is not a single model that will definitively measure modernization from state to state.¹¹ However, the dimensionality of modernization generally revolves around three primary characteristics, which we outline in the next section. We treat these characteristics of a legislature independently throughout our analysis, as each requires individual changes in either legislative policy or in the New Mexico Constitution, though changes to one facet will inevitably impact another.

2.1.2. Three Primary Facets of Modernization

There are three primary characteristics of a legislature that scholars look to when comparing and analyzing legislative modernization: legislative staffing, legislator compensation, and session length.¹²

Legislative staffing is generally quantified by looking at the ratio of permanent staff to legislators and the ratio of all staff, temporary included, to legislators, to gain a better understanding of how many individuals are available to assist with the legislative process. Additionally, modernization measures often include whether staff are assigned to legislators individually and if those staff are considered partisan or nonpartisan. Staff

¹⁰ There is some disagreement whether legislator compensation is an individual characteristic or a structural representation of total resources the state government is willing to spend on its legislature. For example, King 2000 discusses compensation as a part of total resources, whereas Krebs and Rocca 2022 include ideas of legislative “careerism” alongside a fuller discussion on compensation. Rosenthal 1996 defines “institutional professionalism” and “careerism” as different, but interrelated topics.

¹¹ Bowen and Greene. 2014.

¹² This focus can be traced back to work published by the Citizen’s Conference on State Legislatures (CCSL) and, separately, Political Scientist Dr. John Grumm. Both generated metrics for assessing the professionalization of state legislatures, some of which have been honed into the primary three subjects analyzed in this report. Further, Mooney 1994 assesses different methods of measuring professionalization.

measures include many moving components but are considered to have a strong relationship to increased legislative capacity.¹³

Legislator compensation includes all possible forms of compensation, such as salaries, benefits, retirement, per diem, mileage, and reimbursement for other costs incurred as a result of performing legislative duties. Each state sets its own compensation rules, which vary widely from state to state. New Mexico is the only state that does not provide a set salary for its legislators, but due to the per diem and mileage they receive to offset out-of-pocket expenses for travel and moving to Santa Fe during the session and across the state for interim committee hearings, New Mexico's legislators do not receive the lowest compensation nationally.

It is, however, difficult to compare salaried positions to non-salaried positions, especially when daily pay rates fluctuate in some states resulting in inconsistent annual compensation. Further, the majority of states provide legislators with both a base salary and per diem and mileage compensation. The National Conference of State Legislatures estimates legislator salary annually from the more stable, salaried figures, excluding New Mexico. They found that the national average salary in 2021 for a state legislator was \$39,216, not counting their per diem, mileage, benefits, or other forms of reimbursement.¹⁴

Session length looks at the maximum limits of a legislative session and how many actual days legislators spent meeting during the designated session. Some states set restrictions on the length of a legislative session, whereas others remain unrestricted.¹⁵ The length of a session affects the time legislators have to develop and vote on policy as well as set the state's budget. Two of the primary arguments for changing session length are that legislation would be better developed with more time for review, debate, and analysis prior to voting and a longer session would provide more time for the legislature to balance the executive branch's power.

In the next subsection, we briefly summarize the structure of New Mexico's legislature, based on these three main facets of modernization, and what changes to the structure have been proposed in recent years.

2.2. The New Mexico Legislature

2.2.1. The New Mexico Legislature - A Structural Overview

2.2.1.1. *History of the Legislature, In Brief*

In 1912, New Mexico officially became a part of the United States of America and the legislative branch of government was established alongside the executive and judicial branches. New Mexico has a bicameral legislature made up of two bodies: the House of Representatives and the Senate. The first House had 49 elected members and the first Senate had 24 elected members, 73 legislators in total.

Currently, New Mexico is divided into 70 House districts and 42 Senate districts, with one elected official per district, therefore there are 112 legislators that make up the whole of the legislature. Representatives serve

¹³ See Rosenthal 1998, Woods and Baranowski 2006, and Krebs and Rocca 2022 for discussion on the relationship between staff and legislative capacity.

¹⁴ More on compensation estimates can be found on the NCSL website. <https://www.ncsl.org/about-state-legislatures/2021-legislator-compensation>

¹⁵ NCSL details historical changes in session length on their website at: <https://www.ncsl.org/resources/details/legislative-session-length>

two-year terms and senators serve six-year terms before having to run for re-election. There are no term limits on legislators.

Each branch of the New Mexico government has its own allocated budget annually. In 2022, the allocated total budget for the entire state was approximately \$18.4 billion.¹⁶ Total expenditures, however, only totaled \$8.7 billion, leaving a net positive \$9.7 billion balance. Although the branches of government are responsible for keeping the state running in different ways, it is worth noting that the expenditures for the legislature are currently less than 1% of the total state budget. The executive budget is considerably higher as it is responsible for managing all the state agencies and funding state programs, but it is still important to consider the differences across branches when looking at how the proposed structural changes to the legislature might impact the state budget overall.

Table 1: 2022 New Mexico State Government Expenditures

Branch	2022 Expenditures	Percent of State Expenditures
Executive	\$8,546,602,232	97.91%
Legislative	\$3,214,137	0.04%
Judicial	\$179,623,921	2.06%
Total State Expenditures	\$8,729,440,290	100.0%

Modernization scholarship is mixed on how legislative professionalization impacts representation within state legislatures with regard to income, age, race and ethnicity, and gender, as well as other demographic characteristics.¹⁷ Legislative demographics are often not well recorded outside of gender identification and occupation, though some studies, such as Squire 1992, include a measure of the number of Black legislators when discussing diversity. For this study, we were asked to find what demographic data might be available to illustrate legislative representation. While the New Mexico Blue Book series includes information about the legislators' occupation, sex, and political party; income; and race, racial, and ethnic identification are not a part of the historical records.^{18,19}

Historically, New Mexico had women serving in elected office before it was made a part of the United States, but inclusion in US politics meant the first New Mexico governor, William C. McDonald, could make a case that women were not fit for office.²⁰ He attempted to replace the then-state librarian, Dolores Elizabeth "Lola" Chavez de Armijo, with a man. She sued the governor through the newly formed state Supreme Court, which

¹⁶ Budget data is publicly available on the New Mexico Sunshine Portal. <https://ssp3.sunshineportalnm.com/#budget>

¹⁷ Squire, Peverill. 1992.

¹⁸ The UNM Data Bank holds hard copies of the New Mexico Blue Book, which we referenced for this research.

¹⁹ Ideas about race and racial/ethnic identification have further changed over time and the practice of identifying someone by surname or photograph is not an adequate representation of "race." Sex is reported using the binary Census categories.

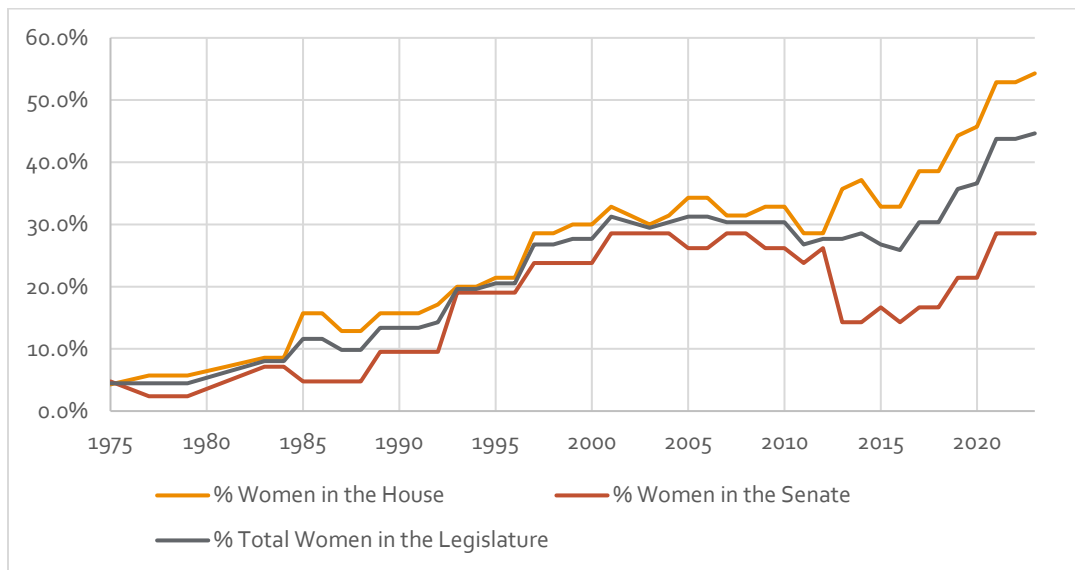
²⁰ https://en.wikipedia.org/wiki/Dolores_Ch%C3%A1vez_de_Armijo, <https://www.usatoday.com/in-depth/life/women-of-the-century/2020/08/13/new-mexico-woman-history-santa-fe-politicians/5349945002/>

ruled in her favor. The United States did not ratify the 19th Amendment giving some women the right to vote, until 1920. Voting rights for many people of color did not come until decades later.²¹

Using data from the Center for American Women and Politics (CAWP),²² Figure 1 illustrates the percentage of women serving in the New Mexico Legislature, by chamber, since 1975. In 1975, 4.5% (5/112) of the legislature was comprised of women. In 2023, this figure rose to 44.6% (50/112). This is a tenfold increase of women serving in the legislature in the past 48 years although further analysis is warranted to illustrate whether women are equally represented in the House and Senate Leadership positions. Women represent 50.2% of New Mexico's total population as of the 2021 5-year American Community Survey (ACS) estimates.²³

CAWP ranks New Mexico in the top ten states (10/50) for the proportion of women in the legislature from 2021 on. New Mexico ranked in the top ten from 2001-2006 but fell to being ranked in the top 20 from 2007-2020. This is in marked contrast to the data from the 1970s and 1980s, during which time, the highest New Mexico ranked was 32/50 in 1985-1986 and fell as low as 44/50 in 1981.

Figure 1: Percentage of Women in the Mexico Legislature, 1975-2023



The data also show that women in the New Mexico legislature since 1975 have always represented both the Democratic and the Republican parties, demonstrating that gender representation does not fall along partisan lines.

2.2.1.2. Current Legislative Staffing

The New Mexico legislature also includes agencies that assist in the operations of the legislative branch in various ways. Nonpartisan agencies include the Legislative Council Service (LCS), Legislative Finance

²¹ <https://www.nps.gov/articles/000/suffrage-in-spanish-hispanic-women-and-the-fight-for-the-19th-amendment-in-new-mexico.htm>, <https://www.abqjournal.com/1489002/nm-women-continue-to-make-history.html>

²² No data was included for the following years: 1976, 1978, 1980, and 1982. These were election years and therefore demographics were not always collected annually, assuming a minimum of a two-year term. <https://cawp.rutgers.edu/facts/state-state-information/new-mexico>

²³ <https://www.census.gov/quickfacts/fact/table/NM/SEX255221#SEX255221>

Committee (LFC), Legislative Education Study Committee Staff (LESC), Office of the House Chief Clerk, and the Office of the Senate Chief Clerk. The LCS, LFC, and LESC staff objectives are tied directly to the objectives of their respective legislative committees, the Legislative Council, Legislative Finance, and Legislative Education Study Committee. The LCS, LFC, and LESC staff directors are appointed by their respective committees.²⁴ In contrast, the Chief Clerks must be elected by their full governing body, the House or the Senate.²⁵

The nonpartisan agencies manage the majority of year-round legislative staff, including Legislative Building Services, which falls under the purview of the LCS. During the session, many of these offices expand to manage additional temporary staff; these session-only staff are hired to assist with running the legislative session. They sometimes begin employment before the session or finish after, but many are hired for the session days only.²⁶ Session-only staff hired totals nearly 500 annually in recent years.²⁷ The budgets of the LCS and the Chief Clerk's Offices include year-round and session-only partisan staff for legislative leadership, though the LCS and Clerks themselves are nonpartisan. These partisan staff report to the offices described in the next paragraph but their compensation is managed by the nonpartisan agencies.

New Mexico has a limited number of partisan staff in both the House and the Senate. These staff fall under the following Offices: Speaker of the House, House Majority Floor Leader, House Minority Floor Leader, President Pro Tempore of the Senate, Senate Majority Floor Leader, and Senate Minority Floor Leader. Each of these offices has a primary staff person who answers to the legislator holding the respective position and manages the staff for that office. The number of permanent and session-only staff in these offices fluctuates to reflect the number of legislators in each party at a given time, in each chamber. Two individuals reported their hiring process as first developing a job request within their office, then ensuring it fits within the allocated budget through the appropriate Clerk's office, and finally having LCS post and administrate the hire itself with their human resources staff. The office indicated they have jurisdiction over the type of hire they want, but that the salaries, administration, and hiring processes are done through the nonpartisan agencies.

2.2.1.3. Current Legislator Compensation

New Mexico's legislators do not receive a salary, nor do they receive a fixed daily rate of pay. Instead, they receive per diem and mileage compensation to help cover out-of-pocket expenses for travel, meals, and lodging on official legislative days. Legislative days include attending interim committee meetings across the state on which the legislator serves, session days in the amount of either 60 or 30 days, depending on the year, and a limited number of interim wild card days which they may use to attend interim committee meetings on which they do not serve. Mileage may only be claimed for one roundtrip per event; legislators do not receive daily mileage compensation during the session, but rather receive compensation for one roundtrip of travel

²⁴ NM Statutes

LCS: Section 2-3-11 NMSA 1978, <https://nmonesource.com/nmos/nmsa/en/item/4359/index.do#!b/2-3-11>

LFC: Section 2-5-2 NMSA 1978, <https://nmonesource.com/nmos/nmsa/en/item/4359/index.do#!b/2-5-2>

LESC: Section 2-10-2 NMSA 1978, <https://nmonesource.com/nmos/nmsa/en/item/4359/index.do#!b/2-10-2>

²⁵ Laws 1993, ch. 3, § 3, <https://nmonesource.com/nmos/nmsl/en/item/4439/index.do#!b/c353>

²⁶ BBER was able to speak with individuals within most of the legislative agencies in the interviews. We asked about session-only employees, their management, and the number employed, but did not get a comprehensive figure as we were unable to speak with everyone.

²⁷ Personal communication with various legislative agencies.

from their home district to Santa Fe. Per diem and mileage compensation are taxable forms of income unless the legislator fills out specific paperwork (IRC Section 162(h)) and lives further than 50 miles from the State Capitol.²⁸

Legislator compensation is laid out in New Mexico's Constitution, Article IV, Section 10. It states,

"Each member of the legislature shall receive:

- A. per diem at the internal revenue service per diem rate for the city of Santa Fe for each day's attendance during each session of the legislature and the internal revenue service standard mileage rate for each mile traveled in going to and returning from the seat of government by the usual traveled route, once each session as defined by Article 4, Section 5 of this constitution;
- B. per diem expense and mileage at the same rates as provided in Subsection A of this section for service at meetings required by legislative committees established by the legislature to meet in the interim between sessions; and
- C. no other compensation, perquisite or allowance. (As amended November 7, 1944 September 15, 1953, November 2, 1971, November 2, 1982, and November 5, 1996.)"

The 1996 amendment tied the mileage and per diem reimbursement rate to national standards rather than having the rate written into law. Any changes to legislator compensation will require an amendment to the New Mexico Constitution, which must be ratified by a majority of the electors voting on the amendment. The compensation structure cannot be changed by statute alone.

2.2.1.4. Current Legislative Session Length and Scope

The New Mexico Legislature begins its session on the third Tuesday in January each year, meeting for 60 calendar days in odd years and 30 calendar days in even years. In a 30-day session, the legislature must set the state budget and may discuss bills vetoed by the governor in the previous session, but beyond that, the governor sets the agenda for legislation and therefore, topics are limited.²⁹

Any changes to the current 60-30 session length would require an amendment to change as session length is written into the New Mexico Constitution. An amendment would then need to be ratified by a majority of electors. Notably, however, the legislative session has been extended through the call for a "special session" in 13 of the last 20 years (65%).

A special session, according to the New Mexico Constitution, "may be called by the governor, but no business shall be transacted except as relates to the objects specified in the proclamation."³⁰ Additionally, the same section of the constitution stipulates that when "three-fifths of the members elected to the house of representatives and three-fifths of the members elected to the senate shall have certified to the governor of the State of New Mexico that in their opinion an emergency exists in the affairs of the state of New Mexico" the

²⁸ There are further items to note regarding per diem and travel as taxable income. Definitions and exceptions can be found here: <https://www.irs.gov/government-entities/federal-state-local-governments/when-state-legislators-can-deduct-living-expenses>

²⁹ New Mexico Constitution, Article IV, Section 5.

³⁰ New Mexico Constitution, Article IV, Section 6.

governor must convene an “extraordinary session” within five days. Should the governor fail or refuse, the legislature may convene itself. The only extraordinary session in the legislature’s history was held in 2002.

Across all 50 states, the governor can sign bills (generated by the legislature) into law or veto them. This veto may be active, or passive in some states, such as New Mexico, wherein the governor can choose not to formally sign legislation, resulting in a “pocket veto.” Further, New Mexico allows for line-item vetoes, in which the governor is allowed to strike an item from a bill rather than veto the entire piece of legislation. The governor of each state also sets or shares responsibility with the legislature for making the state budget. The budget in New Mexico is proposed by the legislative and executive branches and is signed, vetoed, or line-item vetoed by the governor. Different states have different arrangements for a governor’s veto power and will have different relationships between the legislature and executive branches with respect to the budget.

2.2.2. Recent Calls for Structural Change

2.2.2.1. Calls for Change from within the Legislature

In 2006, the Legislative Structure and Process Study was created by the Legislative Council “to develop recommendations to help the legislature conduct its work and perform its duties more effectively.”³¹ This task force met over the course of two years, studying the legislature and its processes and generating recommendations for action. These recommendations included changes to legislator compensation and session length and scope, among other items. The report includes meeting notes, discussions, extensive research, and visions for change in the legislature. However, the recommendations from the task force on the creation of a legislative compensation commission, extension of the legislative session, and alteration of the governor’s role in those sessions have not been acted upon.

In 2017, Representative Angelica Rubio introduced House Joint Memorial 16 to better study how change might look in the New Mexico legislature. This memorial requested convening a task force to study the legislative process including, “consideration of the length of legislative sessions, compensation of legislative members, investigation of ethics complaints, legislative efficiency and other topics affecting the work of the legislature.” The 2017 House State Government, Indian, and Veterans’ Affairs Committee (HSIVC) gave the legislation a do-pass recommendation, but it was then tabled by a motion in the House and action was postponed indefinitely.

In the following subsections, we discuss both topic-specific calls for reform and legislation introduced since the 2007 Task Force report that would have impacted legislative staffing, legislator compensation, and session length and scope.

Legislative Staffing

Minor changes to legislative staffing are not uncommon as no constitutional amendment is required to make those changes. However, larger-scale changes such as hiring dedicated staff for each legislator involve a larger portion of the legislative budget and the need for additional management staff to supervise that program.

³¹ New Mexico Legislature: Legislative Structure and Process Study Task Force. 2007. “Final Report.” [https://www.nmlegis.gov/publications/Studies_Research_Reports/Legislative%20Structure%20and%20Process%20Study%20Task%20Force%20Final%20Report%20\(2007%20interim\).pdf](https://www.nmlegis.gov/publications/Studies_Research_Reports/Legislative%20Structure%20and%20Process%20Study%20Task%20Force%20Final%20Report%20(2007%20interim).pdf)

Recent years have seen changes due to the COVID-19 pandemic, including more flexibility for remote work and more vacancies in some agencies. The legislative staff has also been expanded in the Leadership Offices, serving their respective parties in both chambers.

Proposed changes, discussed in the chapter on legislative staffing in this report, involve hiring district-based staff who would work more directly with legislators in their local districts.

Legislator Compensation

A brief review of the proposed legislation that sought to create compensation changes for legislators illustrates that calls for change have come from both chambers and both sides of the aisle. Legislator compensation changes would require a constitutional amendment and therefore would go to the voters for approval. None of the efforts have gained enough traction to make it to the voters in recent years. In this section, we give a few examples of proposed changes to the New Mexico Constitution with the intent of beginning compensation reforms.

House Joint Resolution 12, introduced in 2021 by Representatives Daymon Ely and Angelica Rubio included a provision to repeal Article IV, Section 10 of the New Mexico Constitution to open the door for further conversation about compensation reform. This resolution did not make it to the Senate floor, though it passed in the House of Representatives and was given a “do-pass with amendments” from the Senate Rules Committee. It had been referred to the Senate Judiciary Committee before the session adjourned but was not heard there.

Senators Ron Griggs and Pat Woods introduced Senate Bill 65 in 2020, aimed at adjusting the in-state per diem rate. That bill was sent to the Senate Committees’ Committee, but action was postponed indefinitely.

In 2016 then-Representative Terry McMillan sponsored House Joint Resolution 3 that sought to tie legislative salary to the median household income in New Mexico. This resolution went to the House Government, Elections, and Indian Affairs Committee and was given a “do not pass” recommendation and no recommendation on committee substitution.

Senate Joint Resolution 13, introduced by then-Senator Dede Feldman proposed an amendment to create a legislative compensation commission that would meet once a decade to determine legislator compensation. The resolution died in committee and action was postponed indefinitely.

This very brief review of proposed changes to legislative compensation also only encompasses ten years of legislation; however, the history of attempted change goes back decades. This study was designed, in part, to look directly at what legislators themselves thought of attempted changes to the compensation structure and if they wanted change, how those changes might best be made.

Session Length and Scope

Efforts to change the session length and scope can be traced back decades. For example, in the 2003 regular session, then-Senator Allen V. Hurt proposed Senate Joint Resolution 10 (SJR 10) aimed at both adjusting the scope of the session and creating a session cycle of 45 days annually and adjusting the scope of the session, although his proposal changed the scope in a different way than the more recent resolutions. SJR 10 went

through multiple committees, failed to pass the Senate, was reconsidered by the Senate and passed, and was sent to the House, where action on it was postponed indefinitely.

In 2021, Representatives Rod Montoya, Daymon Ely, Georgene Louis, and James G. Townsend put forth House Joint Resolution 13, which proposed an amendment that would change the session length to no greater than 45 days each year and would remove the limitations on the scope of legislation in even-numbered years. This resolution was passed in the House of Representatives but was not voted on in the Senate.

Senate Joint Resolution 12 was proposed in 2020 by Senator Daniel A. Ivey-Soto aiming to create a session cycle of 45 days each year, “without limitation on subjects for consideration.” The resolution was sent to the Senate Rules Committee, but action was postponed indefinitely.

In 2019, Senate Joint Resolution 14 (SJR 14), was proposed by Senator Joseph Cervantes. This resolution called for an amendment to change session length to 42 days annually and proposed the scope of the session be adjusted, eliminating the governor’s call and the limitations to budgetary matters, but allowing “for veto override bills of the last previous session vetoed by the governor,” adding a stipulation that this consideration could only come from the bills vetoed in the last regular session. SJR 14 made it through the Senate Rules Committee with a do-pass recommendation, but again, it was halted when action on it was postponed indefinitely.

All the legislation described above would have required an amendment to the New Mexico Constitution that, once passed through the legislature, would additionally need to be ratified by a majority of the electors voting on the amendment.

2.2.2.2. Calls for Change from outside of the Legislature

Other, non-government organizations have also pressed for legislative changes alongside the work being done within the legislature. Recently, New Mexico Ethics Watch released a paper in support of legislative modernization in New Mexico pushing for reform.³² The Thornburg Foundation has also supported government reform in New Mexico and provided support for the professionalization research done by Drs. Krebs and Rocca, frequently mentioned throughout this report.³³

Additionally, in 2022, Common Cause New Mexico commissioned Research & Polling, Inc. to conduct a research study investigating the public perception of potential changes to the legislative structure.³⁴ They surveyed 816 registered likely voters in New Mexico on topics related to legislative modernization. With regard to staffing, 66% of respondents supported “giving legislators a budget to hire their own staff.” Giving legislators a staff salary allowance is not a scenario we explore specifically in our analysis, as our initial interviews with senior staff in the legislature indicated there may be additional concerns about human resources and benefits distribution that would go uncaptured in this scenario.

Common Cause’s research found that 64% of respondents supported paying legislators a base salary equivalent to the New Mexico average household income. When the respondents were asked about how much legislators are currently paid in New Mexico, many guessed a salary of \$35,000 or more annually (66%). This

³² <https://nmethicswatch.weebly.com/in-support-of-legislative-modernization.html>

³³ <https://www.thornburgfoundation.org/strategic-initiatives/good-government-reforms/>

³⁴ https://www.commoncause.org/new-mexico/wp-content/uploads/sites/19/2023/01/05_COMMON-CAUSE-RPT.pdf

misconception of how legislators are compensated could impede the possibility of making changes to legislator compensation without better public education. Finally, 70% of their respondents supported extending the number of days in the legislative session and they found that party affiliation was not a factor in supporting this proposed extension.

2.3. Models from Other States

In early 2022, the State Innovation Exchange (SiX) Research Team³⁵ released a memorandum comparing New Mexico's modernization metrics with the legislative structure in six other states: Alaska, California, Colorado, Nevada, Oklahoma, and Wisconsin. How they chose these states is not made clear in the memorandum but the majority of these states were also selected as comparison state by other authorities described below.

In November 2022, UNM Professors Krebs and Rocca released a revised version of their study, "A Report on Legislative Professionalism for the State of New Mexico." In their study, they utilize a similarity score to better compare New Mexico to other states based on population size and density as well as both demographic and economic variables.³⁶ Using these metrics, they list the 10 most similar states first on population size and density, and then on demographic and economic variables, illustrating that New Mexico's closest comparison state is Nevada. They detail compensation, staffing, and session comparisons for all the similar states in their report; their report should be the primary source for those comparative measures.

BBER also spoke directly with the National Conference of State Legislatures (NCSL) and other institutions to generate a state-to-state comparison list used throughout this report, focused on generating a list of both regional comparisons and the similarity data outlined by Krebs and Rocca. Again, more detailed comparison state-to-state work is done in the cited references.

Throughout this report, we compare New Mexico to Alaska, Arizona, Colorado, Georgia, Nevada, Oklahoma, and Utah using data from the information we gathered directly from the states when possible and using NCSL to fill in any gaps. When pertinent, we additionally include comparisons to other states.

2.3.1. Comparative Staffing Models

The most recent survey of staff from NCSL was published in 2010. At that time, they surveyed legislative bodies in all 50 states to better understand whether personal staff were employed in each state and, if so, how those staff were classified, compensated, and what the conditions of their employment were.³⁷ In states with multiple chambers, such as the House and Senate in New Mexico, each chamber was surveyed independently. The survey found that 67.8% of chambers that responded (61/90) employ personal, or dedicated staff for each legislator. Most commonly, this was one staff hire per legislator, though arrangements in each state varied widely. Of the 90 chambers that responded, 44.4% of the responding chambers (40/90) employ year-round personal staff for legislators, 10.0% (9/90) have personal staff during the session only, and the other 12 chambers (13.3%) have some other arrangement for the personal staff.

³⁵ <https://stateinnovation.org/>

³⁶ <https://www.dailykos.com/stories/2020/2/19/%0b1917029/-How-similar-iseach-state-to-every-other-Daily-Kos-Elections-State-Similarity-Index-will-tell-you>

³⁷ <https://www.ncsl.org/about-state-legislatures/summary-of-personal-staff-survey>

2.3.2. Comparative Compensation Models

Compensation varies widely from state to state. Decision-making on legislative compensation structures falls into one of three broad categories: the legislature or electorate vote on compensation, a commission sets the compensation, or the compensation is tied to an external factor. NCSL's most recent data³⁸ show that 34% of states use the legislature or electorate model, 42% use a commission, and 22% rely on an external factor to determine compensation. New Mexico is currently among those who use the legislature or citizen model as any changes to legislator compensation require an amendment to the New Mexico Constitution, which must be ratified by a majority of those voting.

Table 2: Compensation Model Type for Select Comparison States

State	Legislature or Electorate Vote	Commission	External Factor
Alaska		x	
Arizona		x	
Colorado			x
Georgia		x	
Nevada	x		
Oklahoma		x	
Utah		x	

Of the states shown in Table 2, only Colorado and Nevada do not use a commission model to set legislator compensation. Colorado legislator compensation is set at 25% of a county judge's salary, based on that salary for the first year of the term.³⁹ This amounted to \$43,977 annually for legislators who began their term in January of 2023. Nevada, like New Mexico, has the compensation parameters set in the Constitution.⁴⁰ In 2022, this was raised to \$164.69/calendar day while the legislature is in session for a total of 60 days, though their session length is 120 days once every two years. Nevada legislators do additionally receive per diem of \$151/day for the duration of the session alongside a maximum of \$10,000 in travel compensation and an added allowance for legislative leadership of \$900. They are not paid during the interim.

Of those states with a commission, there are important distinctions between the different sub-models used for determining legislator compensation. Arizona's Commission on Salaries for Elected Officials proposed salary is

³⁸ <https://www.ncsl.org/research/about-state-legislatures/legislative-compensation-setting.aspx>

³⁹ <https://leg.colorado.gov/agencies/legislative-council-staff/salaries-legislators-statewide-elected-officials-and-county>

⁴⁰ <https://www.leg.state.nv.us/const/nvconst.html#Art4Sec33>; <https://www.nvsos.gov/sos/home/showdocument?id=8200>

advisory-only; any recommendations must go to the voters before the salary is changed.⁴¹ The current legislator salary in Arizona is set at \$24,000 annually. Legislators also receive varied per diem and mileage reimbursement based on their proximity to the capital.

In Georgia and Utah, the State Compensation Commission and the Legislative Compensation Commission, respectively, are also advisory-only, with legislators having the final decision on whether to approve, reject, or decrease the recommended figures.⁴² Georgia's legislators recently received a cost-of-living raise, bringing their salary to \$22,341 in addition to a \$247 daily allowance on legislative days. In 2017, the Georgia Compensation Commission recommended the salary be set at \$29,908, but legislators have not voted to approve that figure. In Utah, compensation currently amounts to \$273 for attendance on authorized legislative days, as defined in the law, alongside compensation for actual expenses, "not to exceed the rates published in the state administrative rules."

The Alaska State Officers Compensation Commission and the Oklahoma Legislative Compensation Board both are able to set legislator compensation without further action by the legislature or the electorate.⁴³ In Alaska, this compensation was set at \$50,407.50 in 2020 with an additional \$500 in compensation for the Speaker of the House and the President of the Senate. Oklahoma's salary was set at \$47,500 in 2019 and held at that figure in 2021 when the Board met again. Both Alaska's and Oklahoma's legislators also receive per diem and mileage reimbursement if they do not live within a certain distance from the capital.

Further research is warranted to examine both the impact of the various methods on compensation levels over time and how legislator compensation levels compare to compensation for other public servants.

2.3.3. Comparative Session Models

Legislative session length varies from state to state and may be unlimited or may be limited in one of five ways according to the parameters distinguished by NCSL: by chamber rule, fixed in the constitution, written into the constitution and affected by chamber rule, set indirectly, or set by statute.⁴⁴ New Mexico's Constitution limits the session length, which is why it requires a constitutional amendment in order to change it.⁴⁵ 54% of states (27/50) have the session length set in their state's constitution.

Table 3: State Counts of How Session Length is Set

Chamber Rule	Constitution	Constitution and Chamber Rule	Indirect	Not Limited	Statute
3	27	1	3	11	5

⁴¹ <https://www.azmirror.com/2022/04/04/arizonas-legislative-salary-commission-hasnt-met-since-2014-and-doesnt-even-have-members/>

⁴² <https://www.ajc.com/politics/georgia-lawmakers-get-raises-and-higher-pensions-hoping-for-more-diversity/TXV4R7F6DFFBHIXGRZJCUFOAPE/>, <https://www.utah.gov/pmn/files/183809.pdf>

⁴³ <https://akleg.gov/docs/pdf/2020-lbers-salary-and-business-expense-report.pdf>, <https://nonodoc.com/2021/10/19/legislative-compensation-board-keeps-lawmaker-pay-flat/>

⁴⁴ <https://www.ncsl.org/news/details/legislative-session-length>

⁴⁵ New Mexico Constitution, Article IV, Section 5.

In our comparison states, only Alaska sets the session length by statute. Arizona and Colorado have their session length set by chamber rule. Georgia, Nevada, Oklahoma, and Utah all have their session length limited by their respective constitutions. However, our comparison states vary widely in terms of set length and whether that length is determined by the number of working days in the legislature or by calendar days.

Table 4: Session Length Limits in Select Comparison States

State	Session Length Limits, Two-Year Cycle
Alaska	90-90, calendar days
Arizona	approximately 100-100, calendar days
Colorado	120-120, calendar days
Georgia	40-40, legislative days
Nevada	120, calendar days per biennium
New Mexico	60-30, calendar days
Oklahoma	session must end by the last Friday in May
Utah	45-45, calendar days

Rather than setting length-specific terms, Arizona specifically states the session will not go past the last Saturday of the week in which the 100th calendar day falls, and Oklahoma requires that the session not go beyond the last Friday in May.

2.4. Conclusion

In the following chapters of this report, we delve into the data from our study examining ideas of legislative staffing, legislator compensation, and session length and scope in New Mexico. The next chapter outlines the methodology used to conduct the research. Chapters 4-6 provide the bulk of the analysis.

Methodology

3.1. Introduction

Legislative modernization studies primarily focus on three metrics: legislative staffing, legislator compensation, and session length. This study examined each metric using data gathered from the legislature itself, asking legislators and staff to engage with ideas of changing the legislature's structure and thereby assessing where the points of strongest agreement and disagreement lie. Further, we utilized cost data from the state to estimate the potential cost to the state if the structure of the legislature were to change. BBER does not offer recommendations for change in this report; rather, we describe and estimate costs of scenarios supported by the results from the surveys and interviews.









The purpose of this section is to lay out the methods we used to obtain the information for the analytic sections that follow. Additionally, we will discuss response rates and the quality of the data.

3.2. Data and Methodology

The primary data for this study come from survey and interview data. Formal, in-depth interviews were conducted between June and October 2022 and surveys were conducted between July and December 2022. Throughout the research, we also conducted informal interviews and had innumerable conversations with legislative professionals and researchers both within and outside of New Mexico. The interview and survey questions were developed with the help of these professionals alongside existing research on the topic of legislative modernization. Our interview and survey methods are detailed in the sections below and the questions we asked are included in Appendix A. Totals throughout the report may not total to 100% due to rounding.

3.2.1. Initial Legislative Staff Interviews

In June 2022, we began primary data collection by formally interviewing senior staff across various legislative agencies. We began with staff interviews to better understand the role of staff and the functioning of the legislature both during the session and during the interim. Between May and August 2022, BBER reached out to the following agencies:

-  House and Senate Chief Clerks
-  House and Senate Majority Leadership
-  House and Senate Minority Leadership
-  Legislative Council Service (LCS)
-  Legislative Education Study Committee (LESC)
-  Legislative Finance Committee (LFC)
-  Office of the Senate Pro Tempore
-  Office of the Speaker of the House

Each office was contacted directly either by BBER research staff or a cooperating legislator. After the initial contact was made, BBER staff worked to schedule a window of approximately one hour to conduct each interview. We were able to conduct nine in-depth, confidential interviews with the above agencies and developed working relationships with individuals in the LCS and LFC, who further assisted our research into the cost and functioning of the legislature. Interviews ranged from 45-85 minutes and were used to shape some of the questions in the surveys for both staff and legislators.

3.2.2. Legislator Surveys

As BBER was interviewing legislative staff, we were also developing survey questions for the legislators. In June 2022, the survey for legislators was piloted by the full BBER staff and a group of legislators affiliated with the study's funders. Survey questions ranged from strictly quantitative responses to short answer questions.

The survey questions were then fine-tuned and released on August 2, 2022, using Qualtrics XM online survey software provided by UNM. Using email addresses temporarily provided by the LCS, surveys were sent to all but one legislator; as one legislator did not have an active email address, that person was called on August 3, 2022, and a message was left about the survey. All legislators were given the option to take the survey over the phone or to receive a paper copy. BBER agreed to strictly limit the number of email reminders and to destroy the email list after the survey closed in the first week of October.

The final question of the survey asked legislators to indicate whether they were willing to be interviewed as a follow-up to the survey. If they answered "yes," they were taken to a separate survey page to enter their contact information to maintain the confidentiality of their survey responses.

Response rates to the survey were initially strong but tapered off quickly. Beginning in the third week of August, two BBER staff members and one student used the New Mexico Legislature's contact page to call and/or email every active legislator to inform them of the survey and request an interview. Calls were made first and voicemails were left when possible, but if there was no response or no available phone number, legislators were emailed using the contact on the website. We continued to contact legislators directly through the beginning of October, when we closed the survey and wrapped up the interviews.

A total of 43 out of 112 legislators took all or part of the survey. Questions about their chamber, party, and demographics were optional, again, to protect confidentiality. These results are included in Appendix B.

3.2.3. Legislator Interviews

Interview questions for legislators were developed through the interviews with the staff, informal discussions with other researchers investigating legislative modernization, and to expand upon concepts in BBER's legislator survey.

The legislator survey included a question asking if the individual would be willing to be interviewed, as described in 3.2.2. above. BBER staff contacted each respondent who requested an interview and scheduled them between August 26 and October 6, 2022. Further, as legislators were called as a reminder of the survey, we asked if they would like to be interviewed. Although we requested that they complete the survey before

they were interviewed, the confidentiality protections put into the survey made it impossible for us to know if they had completed it.

All legislators were interviewed using the same protocol, found in Appendix A. The 24 interviews ranged from 45-90 minutes and were conducted over the phone, using virtual meeting software, or in person. Again, interviewees were assured their responses would remain confidential and only three BBER employees were aware of who was being interviewed. One BBER staff member, Rose Elizabeth Rohrer, conducted all of the interviews. Interviews were typed but not recorded, to capture as close to verbatim responses as possible without compromising confidentiality. They were then reviewed and analyzed as a group, extracting themes and comparing comments to responses found in the survey. The results are found in each of the analytic chapters of this report.

Every effort was made to interview a representative sample of the legislature. In Table 5, we show how BBER's sample compares to the 2022 Legislature.

Table 5: Interview Sample vs. 2022 Legislative Composition

	House	Senate	Democrat	Republican	Declined to State	Female	Male
Percent of Total in Legislature 2022	62.5%	37.5%	63.4%	34.8%	1.8%	42.0%	58.0%
Percent of BBER Interview Sample	58.3%	41.7%	75.0%	20.8%	4.2%	62.5%	37.5%

3.2.4. Legislative Staff Surveys

Staff surveys were the final method of primary data collection BBER undertook as a part of the legislative modernization research. Survey questions for staff were developed by looking at previous surveys from the National Conference of State Legislatures (NCSL), discussing ideas with senior legislative staff, and through additional research on modernization. As with the legislator survey, staff survey questions ranged from strictly quantitative responses to short answer questions and were piloted by BBER staff and legislative contacts before being released using the Qualtrics XM software.

The staff survey was initially distributed on August 23, 2022, and remained formally open until the end of October. Email lists for year-round staff were provided by various legislative agencies and included staff in

Legislative Building Services (LBS). Email lists for session-only staff were more difficult to come by and were limited in scope. BBER reached out to different sources for lists, but the results were limited. We reopened the survey temporarily in December to include a last-minute additional batch of session-only staff to participate. Year-round staff who work in policy and direct legislative assistance were given an additional set of questions not available to LBS or session staff. Further, not all questions were required, so the total number of respondents for each question will vary; these numbers are laid out in appendix A.3. Legislative Staff Survey. In total, we had 100 responses from legislative staff. We reached out to approximately 225 individuals.

The legislative staff surveys give insight into how current staff work within the legislature and with legislators both directly and indirectly. We discuss the results primarily in the section on legislative staffing, to illustrate strengths and weaknesses of the staffing structure as seen from an internal perspective.

3.2.5. Cost Analyses

A cost analysis for each proposed change to the legislative structure is included in the results section of the corresponding modernization metric: legislative staffing, legislator compensation, and session length and scope. Costs are based on actual legislative costs recorded within the past five years, accounting for the COVID-19 pandemic closures and work-from-home initiatives. The scenarios chosen for the analyses came from the survey and interview results as well as background research into how other states handle these costs. BBER is not offering recommendations for change, but rather estimating the cost to the state should changes be made. Specifics for each analysis will be included in the results section alongside the analysis.

Legislative Staffing

In this chapter, we focus specifically on legislative staffing. In the introduction to this report, we highlight how New Mexico compares to similar states with regard to staff support and structure and the reasons why staffing might be the key component for modernizing the legislature. This chapter examines the survey and interview data gathered by BBER and discusses its implications.

We begin by briefly reviewing the current staffing structure within the New Mexico legislature, followed by discussing the perceived needs for staffing changes by legislators. We then use the legislative staff's response to the perceived need for change to highlight strengths and weaknesses within the current structure. Finally, we estimate the costs to the state for various scenarios that demonstrated support in both the surveys and interviews.

4.1. Background

High-quality legislative staff support is a critical component of a functioning legislature.⁴⁶ Currently, legislative staff functions range from primary research and analysis to event and meeting coordination to building maintenance. However, as illustrated in the survey and interview results, many legislators describe the need for additional staff, specifically individual professional staff, to assist with the day-to-day needs of being a public servant.

Staff are generally divided into the following employment categories: year-round, permanent; contract; and session-only, temporary. Joint non-partisan agencies, such as the Legislative Council Service (LCS), Legislative Education Study Committee (LESC), and Legislative Finance Committee (LFC) serve both the House and the Senate and each chamber has its own Chief Clerk and their staff. Further, the majority and minority parties in each chamber have shared staff; staff numbers fluctuate according to the party's representation in the legislature. The House Speaker and Senate Pro Tempore also have permanent, year-round staff.

During the legislative session, temporary staff are hired to assist with the daily workings of the legislature. These staff may be seasoned and experienced (term) employees, who return year after year, new to the workings of the session, or somewhere in between. Their duties may range from running errands to researching bills. The Chief Clerk's offices see the largest expansion in temporary staff during the session as they are responsible for the supervisory and administrative duties of their Chamber. For example, the House Chief Clerk has approximately four permanent employees, including the Chief Clerk, but is responsible for 220-250 additional temporary employees during the session.

The divisions and fluctuations make it difficult to pin down an exact number of paid staff over time. In Table 6, we give estimates by employment categories, based on the interviews we conducted in 2022 and National Conference of State Legislatures (NCSL) data from 2015.

⁴⁶ See Rosenthal 1998, Woods and Baranowski 2006, and Krebs and Rocca 2022 for discussion on the relationship between staff and legislative capacity.

Table 6: Approximate Staffing of the New Mexico Legislature by Employment Category, 2015 and 2022

	2022	2015
Year-Round, Permanent	197	168
Contract	10	unknown
Session-Only, Temporary	500	506

New Mexico ranks in the bottom half of the nation with regard to staffing ratios (36/50); there are approximately 1.5 to 1.75 permanent staff per legislator.⁴⁷ As described in the Background chapter (No. 2) of this report, we utilize a small cross-section of states for a closer comparison of modernization factors. In Table 7, we provide a comparison of full-time staffing ratios for these select states. A full comparison of all 50 states can be found in the Krebs and Rocca report cited in the footnotes.⁴⁸

Table 7: Legislator to Permanent Staff Ratio, 2015

	Full-Time Staff to Legislator Ratio	National Ranking
Arizona	5.8	7
Alaska	5.7	8
Nevada	4.5	9
Colorado	2.3	28
Oklahoma	1.5	34
New Mexico	1.5	36
Utah	1.3	37
Georgia	0.9	40

Even in our list of comparison states, New Mexico ranks in the bottom half, with only Utah and Georgia having fewer permanent staff per legislator. In the following section, the interview and survey results, we will detail

⁴⁷ Krebs, Timothy and Michael Rocca. 2022. "A Report on Legislative Professionalism for the State of New Mexico." The authors generate the ratio using 2015 NCSL data, the most up-to-date source of the information at the time of writing. BBER calculated that with the recent changes to staffing in the NM Legislature, the ratio is now closer to 1.75, but we use the 2015 data as a means of direct comparison.

⁴⁸ <https://www.ncsl.org/about-state-legislatures/2022-legislator-compensation>

how and why some New Mexico legislators would like to see the staffing structure expanded. Further, we look at the staff surveys and interviews to see what kind of work is currently being done and where individuals feel there may be room for change.

4.2. Interview and Survey Results

As described in the Methodology chapter (No. 3), between August and October of 2022, New Mexico legislators were asked to participate in a survey examining ideas related to legislative modernization. In the section on staffing, they were asked how they utilize existing staff resources and if they felt they could use additional staffing. Further, they were asked for specifics about what tasks any new staff would perform and what they might change about existing agencies. These ideas were further explored in the individual interviews; the questions they were asked are included in Appendix B.

Simultaneously, legislative staff were surveyed about their roles in the legislature, how they work with legislators, and if they feel staff resources are being utilized appropriately. We surveyed permanent, contract, and session staff to the best of our ability, as described in the methodology chapter. Senior staff in various agencies were also interviewed to gain perspective on how resources are currently distributed and how changes to the structure might affect legislative functioning.

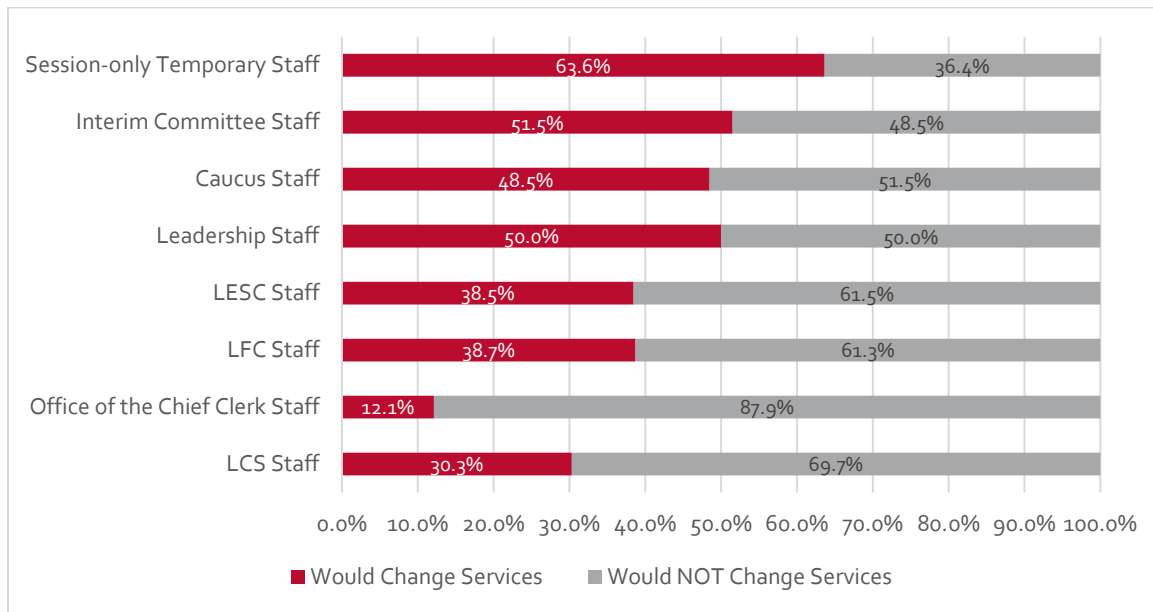
In section 4.2 of this chapter, we integrate the results of the surveys and interviews, illustrating the points of convergence and divergence in the discussion on staffing, particularly on individual staffing. Percentages reported represent the number of actual responses we got from the surveys. As not all questions were required, the number of respondents may change from question to question.

Finally, we provide cost estimates for scenarios in which the state may choose to hire individual staff for legislators. We choose the scenarios based on the data from the surveys and interviews as well as conversations we had with various legislative and other state professionals.

4.2.1. Current Staffing of the New Mexico Legislature

The staffing section of the survey for legislators began by asking whether they would change the staff services they receive from the different legislative agencies. This perception is important, especially when matched with the short answer response indicating how they would change said services, as it indicates where there may be gaps in staffing and/or where there may be a misunderstanding of existing resources. We used these questions alongside short answer and interview questions about missing services to determine what duties might consistently be unfulfilled by the current institution and what existing resources might be misunderstood or poorly utilized by legislators. We began by asking, “For each of the following, please indicate whether you would change the staff services you receive” and providing a list of the different legislative agencies.

Figure 2: Legislators on Adjusting Legislative Staff Services, 32 respondents



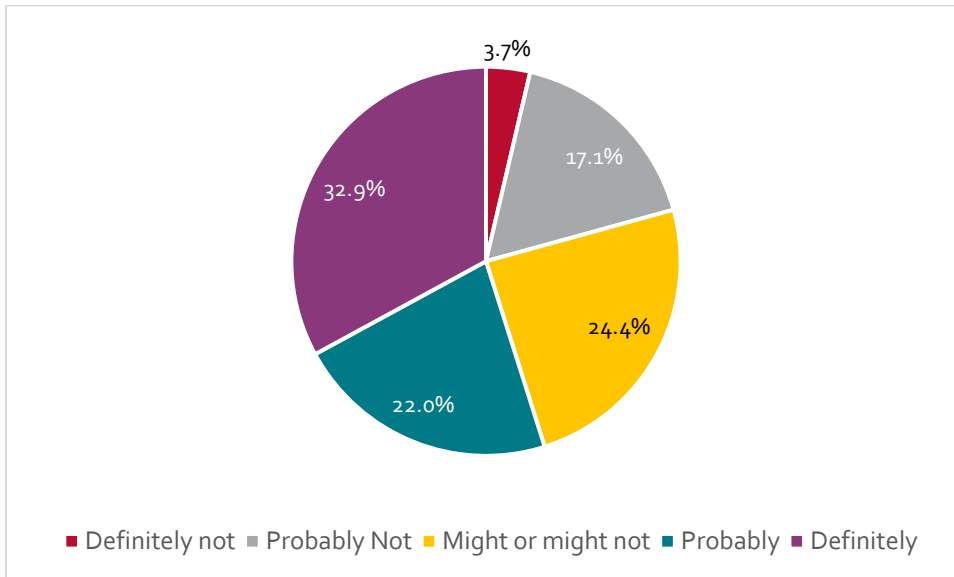
In general, legislators did not see a need to change the current services from many of the existing legislative agencies. The greatest desire for change was seen in the work done by session-only temporary staff. Some legislators advocated for greater pay and incentives for session-only staff, arguing that would improve the pool both in terms of experience and skills. Others argued that bringing individuals in for such a short amount of time does a disservice to the individuals and the legislature and that a longer-term hire would be able to learn the role more effectively than a short-term hire.

Legislators were split on whether services from interim committee staff, caucus staff, and leadership staff should be changed. Few comments reflected suggestions for how to change the work of those agencies, though one did state that staff in charge of interim committees should have fewer committees to work on to improve committee function. In the interviews, numerous legislators suggested that the LCS could benefit from a new position focused solely on committee planning and organization, separating that task away from individuals who also do policy work.










Interim committee changes beyond the realm of staffing were mentioned repeatedly both in the qualitative comments on the surveys and in the interviews. Although this was not an objective of BBER's study, we will discuss those comments briefly in Appendix D: , as it was a priority for both staff and legislators.

When asked about the work they do 54.9% of staff respondents reported "definitely" or "probably" working outside of their job descriptions.

Figure 3: Percent of staff who reported completing tasks outside of their job description, 82 respondents



The short responses in the survey indicated these tasks include but are not limited to, the following:

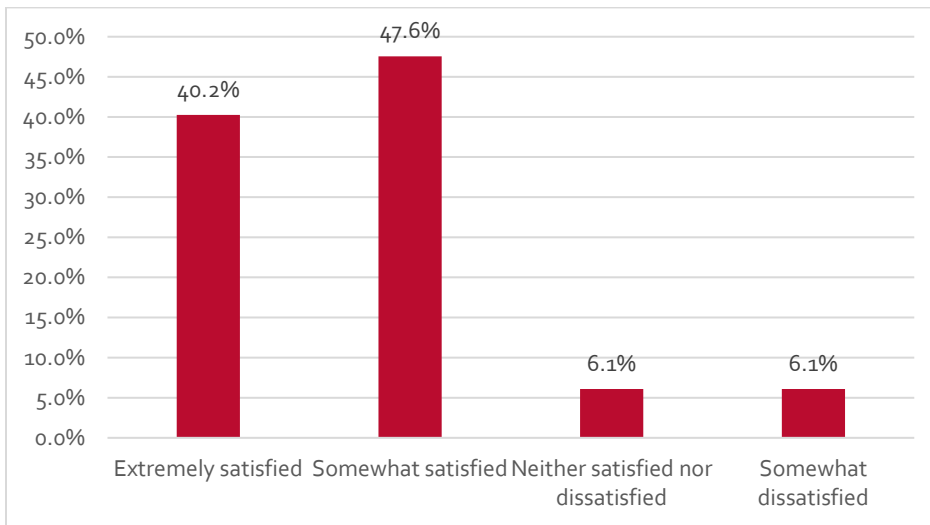
-  administrative work
-  assisting with interim committees
-  cleaning out offices
-  completing ad hoc requests outside of regularly assigned work
-  covering for other, short-staffed agencies
-  preparing for various meetings by creating copies, collating, or moving and transporting items
-  purchasing for the agency
-  screening calls
-  training staff

One individual indicated they are hired under one job description but are only spending about 50% of their time doing that work; they reported spending the other 50% of their time working on a separate set of tasks, which fall under a separate job description.

We also asked staff to indicate how much of their time was spent on tasks outside of their job descriptions. While this number ranges from 0-100%, the average is 18.8% of time spent outside of the job description and the median value is 10%. This mismatch of work to job descriptions could indicate the need for additional staffing, whether it be individual staffing for legislators, or additional staffing within the existing agencies.

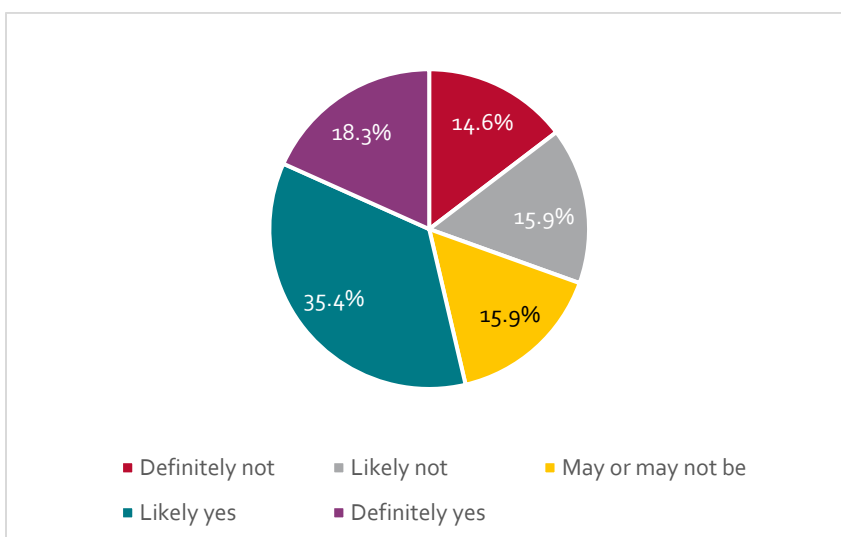
Being aware of how staff feel about their jobs is critical to understanding the need for change within the greater legislative staffing structure. In general, legislative staff are satisfied with their jobs. No respondents indicated they were extremely dissatisfied while 87.8% indicated that they were either “somewhat” or “extremely” satisfied with their job and another 6.1% indicated that they were neutral.

Figure 4: Staff Job Satisfaction, 82 respondents



Despite many staff working outside of their job descriptions, most remain satisfied with the work they are doing. We also asked staff about their compensation in both wages and benefits and how that measures up to the work they perform. 30.5% of respondents indicated they are likely not or definitely not receiving compensation equivalent to the work they are performing, whereas 53.7% felt they were likely or definitely compensated adequately. Should new positions be created for additional staff, these measures of satisfaction should be kept in mind when considering compensation and job-related duties for both new and existing employees.

Figure 5: Adequate compensation for work done, 82 respondents

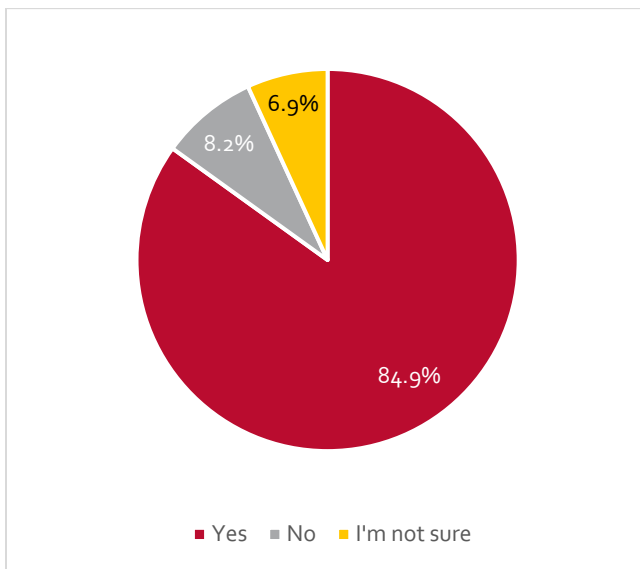


In the interviews with both staff and legislators, we found that due to the short amount of time between the elections and the beginning of the session, legislators do not always know what resources are available to them or what workflow within the legislative agencies may look like. Although some of this is due to the structure of

the election/session cycle itself, it is also that the legislature is a complicated entity and it takes time to learn how it operates. Institutional knowledge, the understanding of the inner workings of an organization, takes time to build. To try to better uncover how current staffing resources match with legislator needs, we asked a variety of questions related to staff roles and whether legislators are able to utilize current staff resources effectively.

We began by asking whether staff were permitted to work with legislators directly.

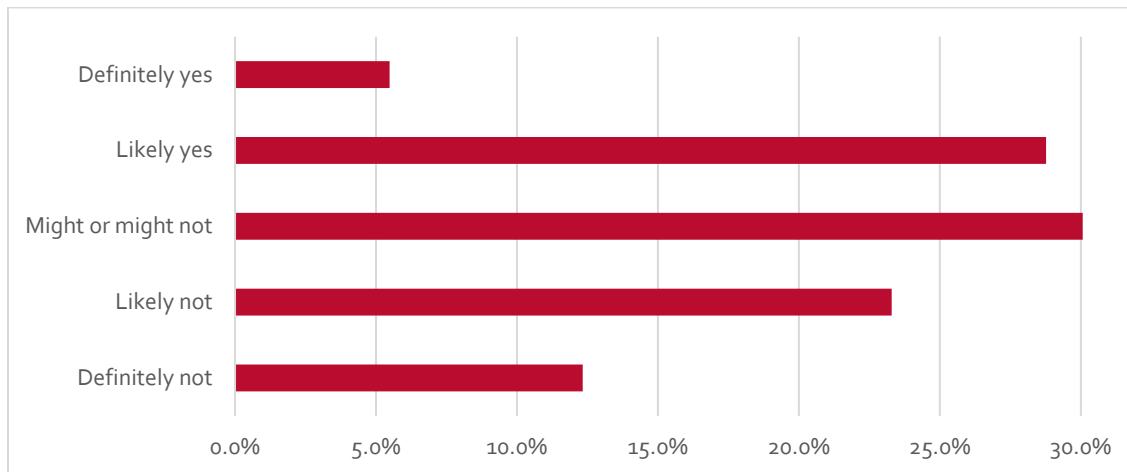
Figure 6: Staff Survey Question: Are you allowed to work directly with legislators?, 73 respondents



84.9% of our respondents indicated that they are able to work directly with legislators.

In the staff survey, we asked, “Do you think legislators understand what your job is and how your work helps them do their job as legislators?” The split is fairly even, with 35.6% of staff respondents saying it is unlikely legislators know what their role is and 34.2% saying legislators are likely to know the staff’s role. 30.1% were uncertain if legislators knew what their job was and how it could be helpful. This aligns with the legislator interviews and the varied responses as to how long it took (or is taking) to gain enough institutional knowledge to utilize staff resources appropriately.

Figure 7: Perceived Legislator Awareness of Specific Staff Roles, 73 respondents



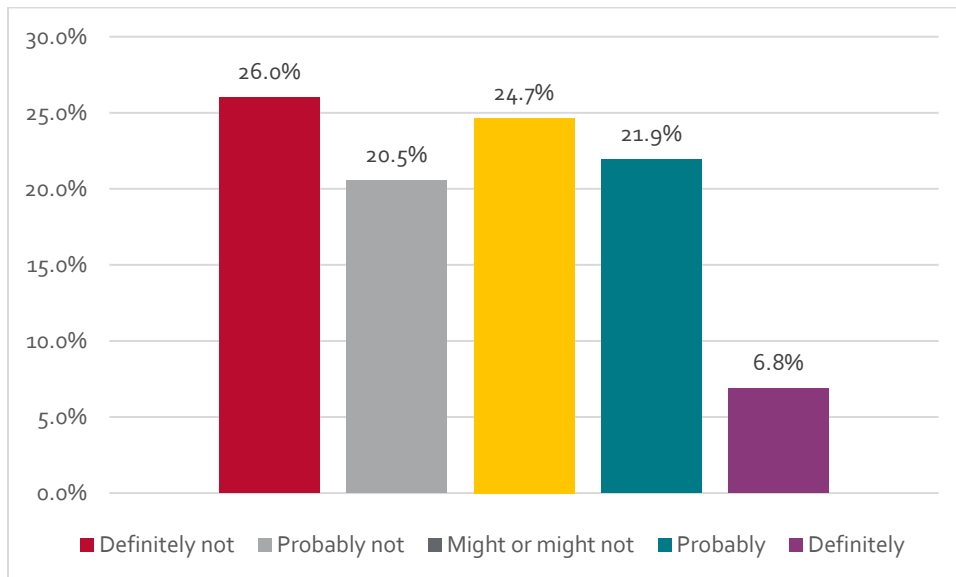
Relatedly, we asked if legislative staff felt legislators took full advantage of the services they could be provided by the staff. Specifically we asked, “Do legislators take full advantage of the services you can provide them?” The quote below, taken from a staff survey illustrates how many responded to this question and the space we included in the survey to comment further.

“Legislators are so busy that they often don't even have the time to seek help with what they need.”

Only 28.7% of those who responded felt legislators were taking full advantage of the resources staff could provide. 46.5% felt legislators were not taking advantage of the resources staff can currently provide.

In the interviews with legislators, they indicated potential reasons for not utilizing staff to the fullest advantages. Reasons included lack of knowledge of who could do what tasks; lack of time to prepare work for someone when they themselves are unpaid; recent changes in the staff structure; feelings of polarization and partisanship; and feeling more comfortable working with specific staff members than with others, even when it fell outside of an individual’s job description.

Figure 8: Staff Perception of Legislator Utilization of Staff Services, 73 respondents

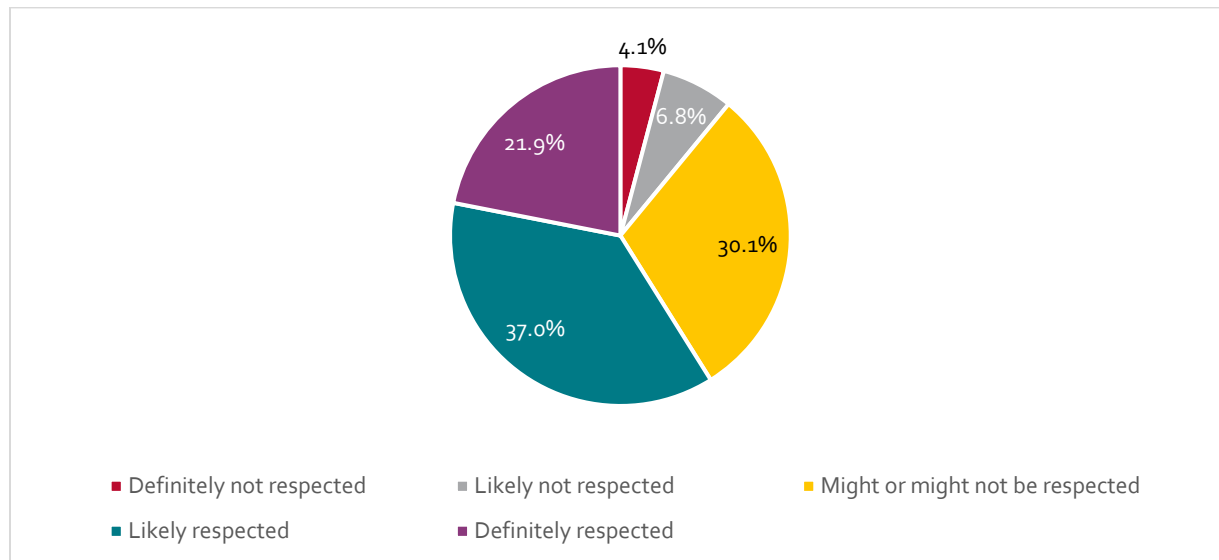


Although lack of institutional knowledge and recent changes can be combatted with time, potential repositioning of staff, and additional orientations for legislators, reasons of partisanship and inability to prepare work while legislators remain unpaid are larger issues that cannot be solved by merely repositioning existing staff. There is a mismatch of the available resources to legislator needs and the reasons for this mismatch are not going to be corrected with a single, one-time solution. There is concern among some of the staff, as expressed in the surveys, that adding new, partisan staff would further create distrust and division in the legislature. Moving forward with dedicated staffing will require careful attention to which agency will manage these staff, what their job descriptions will be, and how those will best serve the whole of the legislature, avoiding redundancy but taking the pressure off the legislators themselves.

"We are here to protect the legislators and the Legislature as an institution, but if they only trust partisans they won't use us in the way that would best assist them."

Finally, after conducting multiple interviews, we decided it was important to ask legislative staff about feeling respected for the work they do within the legislature. Although nearly one-third of staff were uncertain about their work being respected (30.1%), over half (58.9%) indicated that they feel their work is respected by legislators. Only 10.9% of respondents felt their work was either likely not or definitely not respected. Having a clear idea of whether staff believe that legislators value their work is critical when restructuring an organization, especially when adding new staff that would potentially be working much more directly with the legislators.

Figure 9: Staff Survey Question: Do you feel your work is respected by legislators?, 73 respondents

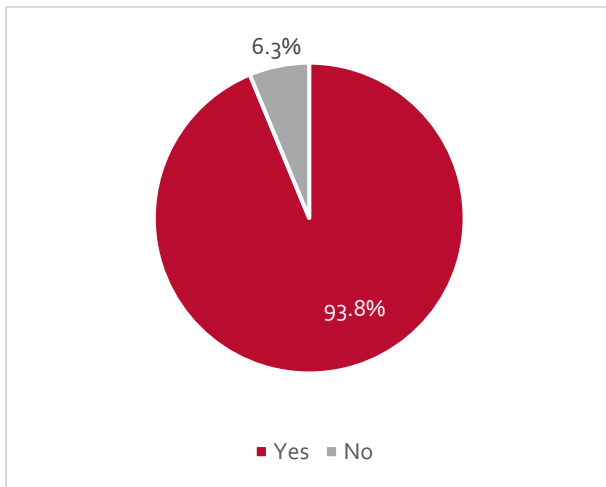


This section illustrates how the current legislative staff structure may or may not be fulfilling the needs of both the legislators and the staff themselves. We looked for mismatches in resources and their utilization and discussed those ideas primarily from a staffing point of view. Overall, many of the legislators' commented that the agencies are doing strong work, but their objectives don't include the day-to-day needs of legislators. In the next section, we look more closely at the specific requests legislators have for additional, year-round, individual staff.

4.2.2. Legislative Needs

Despite the mismatch in available legislative staff resources and utilization of those resources by legislators, there are still needs that remain unmet in the day-to-day work for a legislator represent his or her district effectively. In the legislator survey, we asked legislators if they felt individually assigned, or dedicated, staff could provide services not currently provided by legislative staff. 93.8% of respondents indicated that dedicated staff could provide additional services. To better understand what those services might look like, we turned to the interviews of both staff and legislators as well as scoured existing job descriptions for year-round legislative staff.

Figure 10: Percent of respondents who feel dedicated staff could provide services not currently provided by legislative staff, 32 respondents



Most of the legislators we spoke to indicated a need for someone to help them better stay up-to-date on local issues within their districts. They described the importance of being elected by the people of a particular district and how representing them to the best of their ability took time and energy to attend local functions, read the local news, stay in touch with local leaders, and hold conversations with community members. None of this time is currently compensated. Further, they described the importance of staying in touch with their constituents during the session, which is especially difficult for many as the legislators are in Santa Fe, working long hours, and are often far from their home districts. The function of staying close to constituent interests was the most frequently described reason for requesting additional, individually assigned staff.

"You need staff that understands the needs of your community and your priorities."

Legislators also described a need for assistance in setting up meetings, managing constituent correspondence, and generally helping with the clerical duties of a legislator. Interviewees described receiving hundreds of emails daily, which take time to sort through. Some of those emails are critical requests, but many are unrelated to legislative work. Again, sorting through email is currently an unpaid task that legislators take on themselves. Further, many list a personal phone number on the New Mexico Legislature's website, answering calls themselves, having to determine if each is an actionable issue they can refer to the Chief Clerk's office, or if it is irrelevant, spam, or something else altogether. Many legislators argued that this work would be better done by individual staff.

In the interviews, some noteworthy differences in legislator needs arose based on the nature of the legislator's district. More of the rural legislators described a need for staff assistance with constituent services. One described a phone call they received at home asking why the trash hadn't been picked up that week. In urban

areas, individuals may first call on the city to address these issues whereas a number of the rural legislators we spoke with described being the first in line to help constituents sort out local difficulties.

Many of the urban legislators described a need for more assistance with bringing stakeholders and rights holders together for meetings and help with scheduling generally. Although these issues were also essential to rural legislators, many we spoke to felt their day-to-day needs for assistance fell more along the lines of matching constituents to resources.

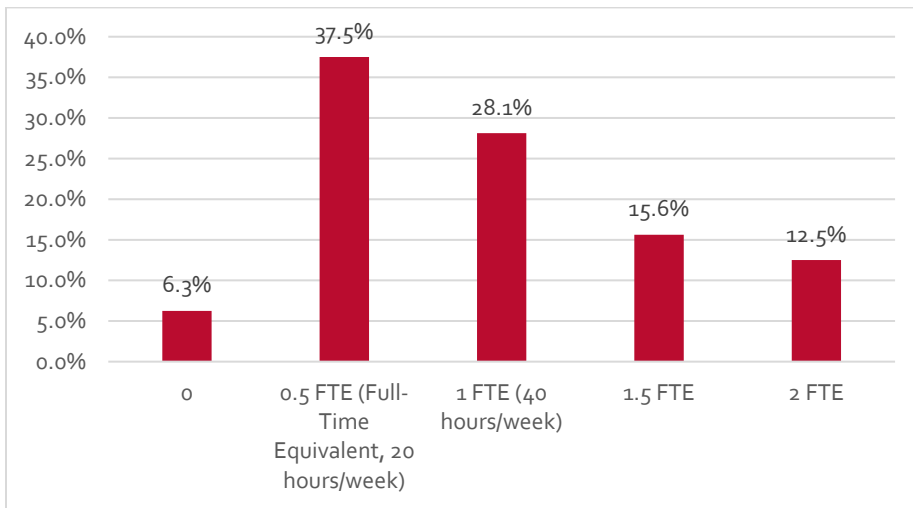
All legislators who expressed an interest in additional staff assistance noted the importance of having someone to assist with research and policy issues. Although state agencies can and do provide assistance, tying the issues to local and regional concerns is a specialized need legislators have.

Not all legislators felt they needed additional help. Of the 6.3% in the survey who indicated they did not see the need for additional staff, their reasons were that the agencies already exist to do research, constituent services, and policy work. They expressed concerns about redundancy and wanted to ensure that overlap was kept to a minimum. To ensure redundancy isn't an issue, job descriptions for new staff hires would need to be carefully crafted and continued orientation as to what services are already provided may need expansion and/or reinforcement. However, many of the requests for additional help were not redundant as far as we were able to find in existing job descriptions and through conversations with staff. Any structural changes to the legislative staff would need to be evaluated for efficiency over time.

With 93.6% of survey respondents indicating a desire for additional staffing, we asked legislators how many staff they felt would be most beneficial to them. Some of these responses were caveated, indicating that less staff support would be required if legislators themselves received a salary. However, we asked respondents to consider current conditions, not hypothetical ones, when answering each section on modernization. Specifically we asked, "Assuming there was a budget or allowance to pay for individual staff, how many staff do you feel you would need to perform your job most effectively?"

The survey results show that legislators feel they would benefit most from part-time (.5 FTE, 20 hours/week) or full-time (1 FTE, 40 hours/week) dedicated assistance. The 6.3% of respondents who indicated they require zero hours of assistance in this question aligns with the previous question asking if they would benefit from any type of additional assistance at all.

Figure 11: Number of Dedicated Staff Desired by Legislators for Effectiveness, 32 respondents



With part-time staff as an option, we asked legislators whether there might be advantages to sharing staff, but opinions were split. 43.8% said there could be advantages, 31.3% said there would not be advantages, and 25.0% were uncertain about advantages. Advantages included cost-saving measures and having one person become especially knowledgeable about localized issues if that staff person were to be shared within a region. However, disadvantages included concerns about sharing staff across party lines, splitting the staff person's time fairly, and simply that the priorities of different legislators may not match and could be burdensome on a single individual.

We further asked legislators if the Senate should have a greater number of staffers per legislator than the House, due to the number of constituents they represent. Again, opinions were mixed on this issue, with 65.6% saying that members of the Senate should have more staff whereas 34.4% said they should not have more staff. The primary argument for increased staffing for senators is the population size of their districts. The arguments against increased staffing include that representatives can cover as diverse of areas as senators; that there is no data illustrating senators carry greater workloads than representatives; and that the representatives have shorter terms in office, thereby interrupting the time they are able to respond to constituents more often than senators are interrupted.

To that end, we utilized the interviews to dig deeper into how staff might be shared, utilized, and distributed. We concluded that should the state hire additional legislative staff, most legislators requested these employees be available a minimum of part-time and that their offices should be distributed throughout the state in a localized or regional manner, whether those staff are shared or not. In the cost analysis below, we estimate options for both full and part-time dedicated staff located at offices throughout the state. We employ cost-saving measures of housing these new staff in pre-existing state offices when possible and managing their contracts through a centralized agency.

The cost estimates below are not BBER's recommendations; rather, they are the scenarios that fit as many moving parts as possible given the differing needs and requests of those surveyed and interviewed. Should new

staff be hired, the state should first explore who will manage the staff's contracts, where the new staff will be located, if and how those staff will be shared, and whether new staff should remain in regional offices during the session.

4.3. Discussion and Cost Analysis

In this section, we estimate costs of different hiring scenarios for new legislative staff. These estimates use figures calculated from current state pay and cost rates, conversations with state agencies, and data given to us by LCS, LFC, Erisa, and PERA. The scenarios themselves are based on primary data gathered in the interviews and surveys we conducted as well as the background work we did examining how other states manage legislative staff.

4.3.1. Managing New Staff

Any new legislative staff hires will also require additional personnel for the general management of human resources and accounting. A question that needs to be answered by the legislature and legislative agencies is who will manage any new staff should they be hired. The management staff described in Table 8 could become a part of an existing agency or they could stand alone as an independent agency. There are pros and cons to each scenario. Should the agency stand alone, it may need additional management and an independent budget. Should the work be absorbed by an existing agency, legislators will need to be assured that the agency is working independently to help them find the best staff to fit their individualized needs. Legislators should be able to have a say in who is hired and fired, but ultimately those decisions will sit with the state agency as someone needs to vet individual qualifications and manage salaries and benefits.

The number of new management staff will depend directly on the number of legislative staff hired; this ratio will be approximately two new Human Resource Generalists, and one optional Human Resource Coordinator per 112 new employees. We determined these ratios in conversation with the Legislative Finance Committee (LFC) and with the State Personnel Office (SPO). These midpoint figures and titles⁴⁹ were chosen to best reflect the workload the general management of human resources and accounting might require as per our conversations with SPO; the state may choose to hire in other job titles with different salaries.

A Human Resource Generalist can perform all the functions required for the hiring and firing of new staff but is required to work "under the guidance of a more experienced HR professional."⁵⁰ Should the new hiring be done under an existing state agency, this could be possible. If a new agency is created, a higher-level HR person would need to be hired.

A Human Resources Coordinator assists with the essential functions of a human resources office, including "posting of vacant positions," "assistance to applicants in the recruitment process," and "preparation of

⁴⁹ New Mexico State Personnel Office. 2022. "Classification and Pay Listing." <https://www.spo.state.nm.us/wp-content/uploads/FY23-Class-and-Pay-Query-Final-12.19.2022-1.pdf>

⁵⁰ New Mexico State Personnel Office. "Human Resource Generalist." <https://api.realfile.rtsclients.com/PublicFiles/28c0b1c1ae694e159065ad9doc38540a/1a58ba08-fbcf-4164-b79e-0cd9fad4d26c/HR%20Gen%20RHRG17%20-%20RHRG20%20-%20RHRG23%20-%20RHRG26>

payroll.”⁵¹ In our discussions with SPO about staffing an HR team, they suggested that this position might be unnecessary, especially after initial hires were completed, but our discussions with other state legislative agencies indicated that if legislators were to be involved in the hiring process for new staff, an additional HR person could help manage the unique workload involved. We chose to include the third human resources hire in our calculations to account for this potential need.

In all the following cost estimate tables, calculations for health benefits, retirement, retiree health care, life insurance, and Department of Information Technology and Human Capital Management fees are standardized, based on current standards and conversations with PERA about FY24 changes.

The health benefits cost we use through the calculations is based on the highest possible plan cost to the state, at the family rate. In this way, we overestimate the total costs, illustrating the maximum possible the state *could* be responsible for, if all employees had families and opted into the highest cost plan. Additionally, state contributions for the healthcare plan vary based on the employee’s salary.⁵²

Retirement benefits contributions by the state currently sit at 18.74% of an employee’s salary, but this will be increased by .5% in FY24 to 19.24%. We used this for our total cost calculations.

Retiree health care contributions amount to 2% of an employee’s salary. Life insurance contributions from the state amount to a flat rate of \$4.42 per employee per month, or \$53.04 annually; however, this may change in coming years as the fund is in deficit as of the data we gathered in December 2022. Flat rates are also charged for the Department of Information Technology and Human Capital Management (DOIT-HCM) at \$328.00 per employee annually.

State contributions to FICA (Federal Insurance Contributions Act), the US federal payroll tax, include Social Security and Medicare. Social Security is set at 6.2% of an employee's salary. Medicare is also a set rate at 1.45% of an employee’s salary.

⁵¹ New Mexico State Personnel Office. “Human Resources Coordinator.”

<https://api.realfile.rtsclients.com/PublicFiles/28cob1c1ae694e159065ad9doc38540a/f197d59b-6d95-4f33-aef1-3c7ee661bd1e/HR%20Coord%20RHRC15>

⁵² https://www.mybenefitsnm.com/documents/FY23_Premium_Rates_Schedule_FINAL.pdf

Table 8: Estimated Salary and Benefits for Human Resource Management Team Responsible for Dedicated Staff

	Estimated Salary	Health Benefits	Retirement Benefits	Retiree Health Care	Social Security	Medicare	Life Insurance	DOIT-HCM	Total Cost
Human Resource Generalist 3	\$75,106	\$14,091	\$14,450	\$1,502	\$4,657	\$1,089	\$53	\$328	\$111,276
Human Resource Generalist I	\$59,841	\$16,439	\$11,513	\$1,197	\$3,710	\$868	\$53	\$328	\$93,949
Human Resources Coordinator	\$53,503	\$16,439	\$10,294	\$1,070	\$3,317	\$776	\$53	\$328	\$85,780
							Total Annual Cost to the State		\$291,006

In addition to the costs seen here, there are other, minor costs that the state incurs as an employer. For example, in FY22, costs related to employee liability insurance totaled \$3683.29 for the entire population of state employees. Costs like this as well as workers' compensation and assessment costs vary year-to-year and are not based on the number of employees, but rather events occurring during that fiscal year. Those costs were therefore left out of our analysis.

Further potential costs to the state include pay for vacation and sick leave. Total compensation includes vacation, sick, holiday, and personal leave, but these are not dollars given to an employee or paid into a pool annually; rather, they represent value added to the total compensation of an employee. However, in certain cases, as per conversations we had with the SPO, the state could be financially responsible for paying some of these costs to the employee. First, if a classified employee earns over 600 hours of sick leave and then leaves their position with the state, the state would be required to pay those hours at half the initial rate. Second, if a person leaves their state position with unspent days of vacation time, the state also must pay those out, but at the full rate. These scenarios vary by the employee and their classification within the system.

Finally, discussions with state agencies indicated that the Human Resources Coordinator position could potentially be reduced to part-time after the first year of setting up the new system, which would reduce overall costs.

4.3.2. Job Description and Salary for New Staff

Legislators expressed a wide variety of needs for staff assistance, as described in section 4.2.2. of this report. Hiring and paying staff with unique job descriptions and commensurate salaries to meet each legislator's specialized needs could become logistically challenging. To account for this issue, we looked to other states and to solutions proposed in the staff interviews. Then, in the legislator interviews, we proposed two solutions to the issues surrounding the hiring of diverse staff to meet diverse needs. In both scenarios, we assumed 112 new hires, one per legislator, for ease of understanding how the hiring might look.

First, we asked legislators how they would react to sharing staff, housed in regional or localized offices, with four unique specialties: administrative/clerical assistance, constituent services, community outreach, and basic research. These were the top categories of need based on legislator surveys. In this scenario, four legislators would share four staff and receive no more than 10 hours per week of assistance in each of the categories.

Legislators liked the model of specialized staff for different jobs but were concerned about weeks when they might need more assistance in one category and less in another. They additionally expressed concern about sharing staff across party lines and potentially across chambers. A major advantage of this system is in being able to hire individuals with very specific skill sets; however, the concerns about complications made the system seem potentially unfeasible. For the cost analysis, we focus on the second scenario we presented to legislators, which had greater overall reception but may be harder to staff.

The second scenario presented to legislators consisted of one either full-time or part-time staff person assigned to work with a legislator. This new staff hire would have a single job description and title, something akin to "field representative," and would be qualified to complete tasks in all the specialties described above. These staff could still work in regional or localized offices but would be dedicated to one legislator. Further, if a legislator did not see the need for staff assistance, they could opt out annually.

The estimated cost table below uses current salary data for three different job titles across the Executive, Legislative, and Judicial branches. This is different from the previous table, which used SPO midpoint salaries to estimate the potential costs of managing new staff. Instead, the jobs and salaries in this table are taken from the Sunshine Portal's current employee salaries and are related to the specialties requested most by the legislators.⁵³ Still, a new job description would require a new salary range as the individual may be required to hold the skills for all three jobs listed in the table. The cost assumptions are the same as in the previous table.

⁵³ [Sunshine Portal](#)

Table 9: Average Salaries for Existing Jobs with Similar Job Descriptions to Proposed Staff

	Estimated Salary	Health Benefits	Retirement Benefits	Retiree Health Care	Social Security	Medicare	Life Insurance	DOIT-HCM	Total Comp. per Hire	Total Compensation for 112 Part-Time Employees	Total Compensation for 112 Full-Time Employees
Research Assistant	\$46,263	\$18,788	\$8,901	\$925	\$2,868	\$671	\$53	\$328	\$78,797	\$4,412,639	\$8,825,278
Constituent Services Representative	\$56,552	\$16,439	\$10,881	\$1,131	\$3,506	\$820	\$53	\$328	\$89,710	\$5,023,786	\$10,047,571
Office Manager	\$55,695	\$16,439	\$10,716	\$1,114	\$3,453	\$808	\$53	\$328	\$88,606	\$4,961,922	\$9,923,844

4.3.3. Office Space and Equipment

Currently, legislators do not have year-round office space in their districts unless they pay for it out of pocket. If the state were to hire additional staff to assist legislators more directly, they would need office space and equipment. Nearly every legislator we spoke with emphasized the need for these new staff to be able to work throughout the state rather than in Santa Fe. One legislator noted that while it was great to be able to ask a staff person in the Roundhouse to print legislation for them, it would be a multi-hour drive to go pick it up. Legislators are also not given office equipment.

After numerous conversations with state agencies, we determined that the best cost-saving measure for the state, when possible, would be to house new staff in facilities already owned or rented by the state at the regional level.

The number of regional offices and their locations is a point of great debate. Legislators expressed concern about continuing to have to drive long hours to see their staff in another city or county; however, overall it was preferred to having to drive to Santa Fe when working far from the state's Capitol building. We looked to currently existing state divisions and listened to legislators' suggestions to better understand how staff offices might be distributed. The most common ideas were that staff be distributed regionally according to the Council of Government (COG) divisions or judicial districts. There are many ways that the legislature may decide to distribute staff across the state, should they be hired to work regionally. However, we use these divisions to generate cost estimates for office space for 112 new regional, legislative staff.

Finally, we compare these figures to what it would cost for each new hire to have their own office space, located as near to the legislator as possible, rather than distributed across the state. We do not recommend that new hires be isolated from other staff, especially as the job will have different demands and requirements despite the common job description. Nevertheless, it is important to compare costs in this way as it still may remain burdensome for some legislators to have direct access to their assigned staff member if they are distributed in regional pods.

Table 10 is based on cost and space estimates we gathered from different state agencies, including the General Service Division's (GSD) State of New Mexico Space Standards.⁵⁴ The assumed space per new staff is a single cubicle in a state building. The COG model includes seven regional office spaces with 16 staff located in each space. The judicial division model has 13 regional office spaces with nine staff in eight of the offices and eight in the remaining five offices. These divisions do not take into account actual available space in each region; available space changes frequently and would need to be worked out with the GSD. Maps illustrating these divisions are in Appendix D.

The total number of staff in our calculations is always 112, as the sharing of staff did not have a strong yes or no response in our survey and interviews. If legislators were to share part-time staff, the following numbers would be reduced, but not halved, as some figures apply to the group, not to the individual.

⁵⁴ <https://www.generalservices.state.nm.us/wp-content/uploads/2021/02/4spacestandards-1-.pdf>. Specifically, we used G Group when determining the requisite amount of office space for the type of worker the legislature is likely to hire.

Average annual rent per square foot⁵⁵ is the base multiplier we use to determine the total cost of a regional office pod. The recommended square feet per employee is for their office workspace alone; conference and reception rooms required are added in separately, per office location, at 200 square feet for a conference room and 100 square feet for a reception area. A 200 square-foot conference room accommodates eight individuals at a time, according to space standards, and a reception area of 100 square feet accommodates four individuals. Again, these are assumptions we made that may differ from existing resources or from how the state chooses to set up the office space.

We then calculate the net usable area to determine the amount of space required excluding things like hallways, partitions, closets, walls, and other factors impacting the gross space required for an office. To calculate the gross space, we use the gross area factor of 1.3 from GSD documentation and are left with a total area that is priced out by the initial rent per square foot.

Table 10: Estimated Total Cost of Office Space Regionally for Dedicated Legislative Staff

Office Configuration	Total Number of New Staff	Average Annual Rent Per Square Foot	Recommended Sq Ft. Per Employee	Work Station Space for New Staff (sq ft.)	Conference and Reception Area (sq ft. per location)	Net Usable Area	Gross Area Factor	Gross Area of Office Space Required	Total Cost of Office Space Annually
COG Model	112	\$18.28	81	9,072	2,100	11,172	1.3	14,524	\$265,491
Judicial District Model	112	\$18.28	81	9,072	3,900	12,972	1.3	16,864	\$308,266
Individual Office Model	112	\$18.28	81	9,072	33,600	42,672	1.3	55,474	\$1,014,057

Staff may also be able to work remotely, but that is a matter of conversation for the managing agency. Even remotely, it will be critical that staff have, at minimum, consistent internet access, computers and printers, and access to a phone line designated for the legislator's official business. These items should be thought of as the basics for getting new staff started outside of the Roundhouse, in addition to basic office supplies and furniture. Table 11 shows the estimated equipment costs for getting new staff started in regional offices. We chose the items and their estimated costs based on conversations with GSD's General Pricing Division and an account manager who works with UNM about what would be necessary to set up an office for a new employee.

The estimated cubicle cost includes the cubicle itself, a desk, chair, storage, and basic supplies. The cost of setting up a private office is slightly lower as the cubicle itself doesn't weigh into the costs, but without knowing the availability of space in state buildings, we assumed shared office space rather than private. We were quoted approximately \$2,600 to set up a private office with furnishings and \$3,600 to set up a furnished cubicle.

⁵⁵ New Mexico Legislative Finance Committee. 2022. "Legislating for Results: Supplemental Charts and Graphs."
https://www.nmlegis.gov/Entity/LFC/Documents/Session_Publications/Budget_Recommendations/2023RecommendVolIII.pdf

The phone costs are treated separately as our conversations with the state indicated most new staff would be assigned a work cell phone rather than a landline. We use discount pricing through Verizon as that is the state's current carrier and assume each staff member is given a smartphone with 128G of memory. The median discounted cost for a phone of this type is \$414.99 with a \$75 per month plan and \$7 per month insurance. At these rates, the monthly recurring phone costs amount to \$58,800 annually.

Additionally, we budget for a basic laptop for each employee and a shared laser printer for every four employees, except in the case of the individual office model, which has one printer per employee. We use Dell pricing as the state has a discount agreement with Dell when buying in large quantities. The lowest UNM-recommended laptop with the 15% Dell discount is \$1,370.00.

We priced shared printers at a higher capacity than individual printers, with the shared printer priced at \$297.51 and the individual at \$195.29. As above, the COG model includes seven regional office spaces with 16 staff located in each space. The judicial division model has 13 regional office spaces with nine staff in eight of the offices and eight in the remaining five offices. Therefore, the COG model requires 28 printers, the judicial division model requires 26, and the individual model requires 112, albeit at a slightly lower rate.

Though many of these items will need eventual replacement, most should last for years before another influx of funding would be necessary. The state would also need to determine if extra personnel would need to be hired to maintain the technology and purchase office supplies as needed. These are costs we did not factor into our overall model.

Table 11: Initial Office Setup Costs for Dedicated Staff

Office Configuration	Total Number of Dedicated Staff	Cubicle, Supplies, and Furnishings	Laptops	Cell Phone Initial Purchase	Annual Cell Phone Plan	Printers (varies by staff per location)	Total Office Setup Cost
COG Model	112	\$403,200	\$153,440	\$46,479	\$110,208	\$8,330	\$721,657
Judicial District Model	112	\$403,200	\$153,440	\$46,479	\$110,208	\$7,735	\$721,062
Individual Office Model	112	\$403,200	\$153,440	\$46,479	\$110,208	\$21,872	\$735,199

Supply costs are not radically different from one office configuration to another as many of the items are individually assigned, such as the laptop and cell phone.

4.3.4. Estimated Total Cost for Staffing

This section of the report takes the data from the previous sub-sections and aggregates it in such a way that we can estimate the total cost of hiring and maintaining new, individually assigned, regional staff. Human resources staff salaries and benefits are taken directly from Table 8 earlier in this section. For the dedicated

staff, we use the highest salary across the three sample salaries we took in the previous section in our calculations, \$56,552 per person. With benefits and for 112 hires, this translates to the \$10,047,571 seen in the “Salaries and Benefits for Dedicated Staff” column. Office space and equipment and supplies are determined by the office configuration scenarios.

Table 12: Total Setup Cost to the State for New, Dedicated Legislative Staff

Office Configuration	Salaries and Benefits for HR Staff	Salaries and Benefits for Dedicated Staff	Office Space	Equipment and Supplies	Total Cost
COG Model	\$291,006	\$10,047,571	\$265,491	\$721,657	\$11,325,725
Judicial District Model	\$291,006	\$10,047,571	\$308,267	\$721,062	\$11,367,906
Individual Office Model	\$291,006	\$10,047,571	\$1,014,057	\$735,199	\$12,087,834

In the given scenarios, recurring costs are mixed with initial costs. Equipment costs will be variable after the initial setup year. Human resources management hires may not require three full-time individuals, especially after the first round of hiring is done. We include them in our calculations to generate a higher-end estimate as would be expected when initiating a new program or structural change.

4.3.5. Discussion

Quality staffing is a critical component for a highly functioning legislature. The interviews and surveys made it clear that the current legislative staff are doing excellent work and yet their jobs do not always cover the kinds of support legislators say they need. There is a learning curve for legislators developing institutional knowledge, but this is not enough to explain why additional help has been requested. Legislators name specific, duty-related tasks that are not covered by current staff that could be filled by new, dedicated hires.

Should new staff be hired, they will likely need a new job description to separate the tasks they perform from the ones performed by already-existing staff; redundancy is a concern for both staff and legislators. Additionally, decisions and compromises will need to be made to ensure staff are matched appropriately with legislators, hold the required qualifications for the job, and are distributed across the state as equitably as possible. This may require the creation of a new state agency to manage individually assigned staff or it may require the expansion of an existing agency. These decisions are not trivial, and it is not the purpose of this report to generate suggestions, but rather to report the options discussed by staff and legislators and how those options might impact the state financially.

Legislative Compensation





This section of the report discusses legislative compensation through both in-state comparative cases and an examination of the legislator survey results. How other states compensate their legislatures is discussed in the background section of this report. A comprehensive plan for compensating our state’s legislators could develop a more professionalized legislature but will require significant collaboration within the legislature and with New Mexico voters, many of whom believe the legislature is already paid and who would have to vote on any changes to the current compensation structure as it is written into the state’s constitution.

One argument for compensation is that legislators engage in a wide variety of duty-related activities ranging from responding to constituent inquiries to developing legislation that represents local and state interests, many of which take place outside of the session and interim days for which they can claim travel and per diem. To that end, legislators are engaged in a wide range of tasks during unpaid hours. Further, many legislators hold full-time jobs separate from their work in the legislature. Many legislators who are currently holding jobs argued in the interviews and surveys that this split focus creates a situation in which either the work in the legislature or their paid employment has to suffer and that this is unsustainable for those who do not come from a financially secure position.

"Can I afford to run for re-election? I love being a legislator and think I'm pretty good at it, but if I can't afford it, I won't harm my family to do it. At times it seems to be reducing the quality of life for myself and my family."

One argument against compensation is that compensation encourages career-style investment in the political arena, breaking with what respondents characterized as New Mexico’s history of having “citizen legislators.”⁵⁶

With these arguments in mind, we break this section down into four main categories, which correspond to the recommendations we offer in the next chapter of this report:

-  A brief recap of legislator compensation in other states
-  Compensation for other elected officials in New Mexico
-  Legislator survey results
-  Cost estimates for select compensation scenarios

5.1. Background

New Mexico’s Constitution, Article IV, Section 10 lays out the terms for compensating legislators. It states,

⁵⁶ The term comes from Alan Rosenthal’s 1996 study; full description of terminology is given in the background section of this report. Notably, in Krebs & Rocha’s 2022 study of the New Mexico Legislature, the authors argue that the low turnover rate of New Mexico’s legislators actually classifies them as “dual-career,” not “citizen” as per Rosenthal’s typology; however, legislators themselves arguing against compensation frequently used the term “citizen” to describe their conditions.

“Each member of the legislature shall receive:

- A. per diem at the internal revenue service per diem rate for the city of Santa Fe for each day's attendance during each session of the legislature and the internal revenue service standard mileage rate for each mile traveled in going to and returning from the seat of government by the usual traveled route, once each session as defined by Article 4, Section 5 of this constitution;
- B. per diem expense and mileage at the same rates as provided in Subsection A of this section for service at meetings required by legislative committees established by the legislature to meet in the interim between sessions; and
- C. no other compensation, perquisite or allowance. (As amended November 7, 1944 September 15, 1953, November 2, 1971, November 2, 1982 and November 5, 1996.)”

The 1996 amendment tied the mileage and per diem reimbursement rate to national standards rather than having the rate written into law. Any changes to legislator compensation will require an amendment to the New Mexico Constitution, which must be ratified by a majority of the electors voting on the amendment. The compensation structure cannot be changed statute alone.

Recent attempts by legislators to submit a proposed constitutional amendment to the voters for approval to pay legislators a salary have not been adopted by the legislature. In 2021, Representatives Daymon Ely and Angelica Rubio introduced House Joint Resolution 12, which included a provision to repeal Article IV, Section 10 of the constitution, thereby opening the door for compensation reform. Although it passed in the House of Representatives, it did not make it to the Senate floor, receiving a “do pass with amendments” from the Senate Rules Committee and referral to the Senate Judiciary Committee before the session adjourned.

In 2020, Senators Ron Griggs and Pat Woods introduced Senate Bill 65, seeking to adjust the in-state per diem rate. That bill was sent to the Senate Committees’ Committee, but action was postponed indefinitely.

2016 saw House Joint Resolution 3 sponsored by then Representative Terry McMillan that sought to tie legislative salary to the median household income in New Mexico. This resolution went to the House Government, Elections, and Indian Affairs Committee and was given a “do not pass” recommendation and no recommendation on committee substitution.

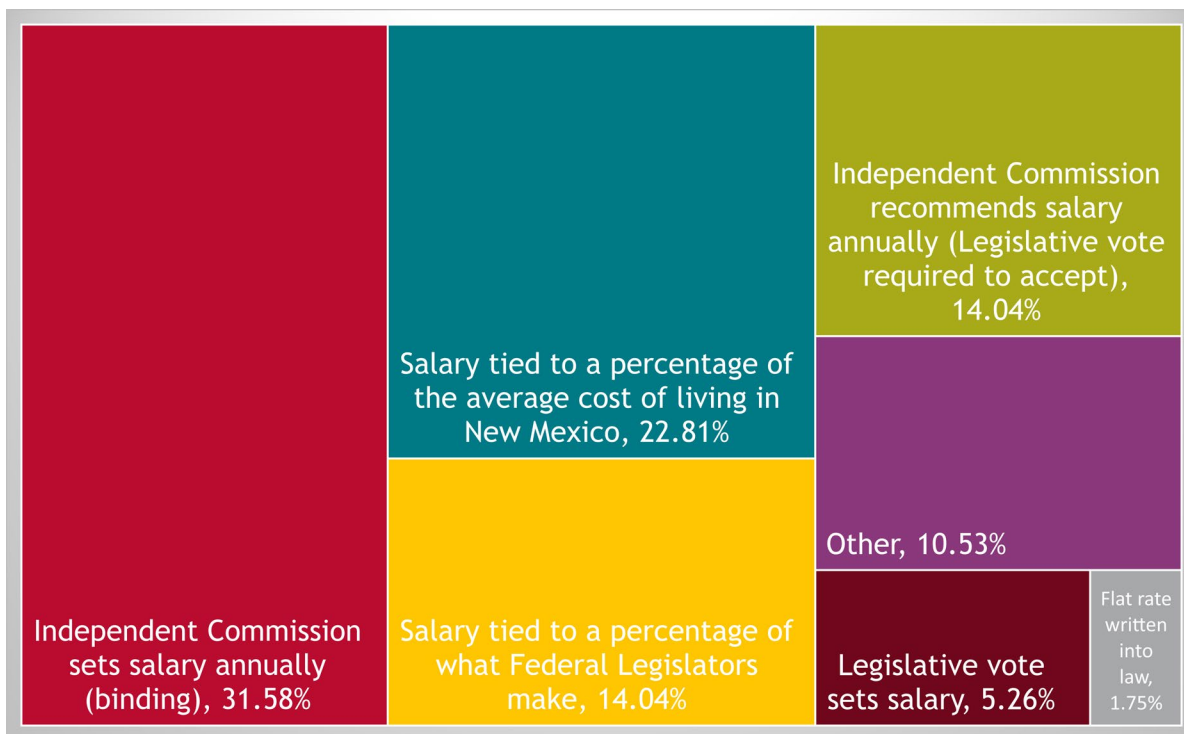
Senate Joint Resolution 13, introduced by then-Senator Dede Feldman proposed an amendment to create a legislative compensation commission that would meet once a decade to determine legislator compensation. The resolution died in committee and action was postponed indefinitely.

Clearly, pathways for change have come from both sides of the aisle and both chambers of the legislature but have not gained traction. This very brief review of proposed changes to legislative compensation also only encompasses ten years of legislation; however, the history of attempted change goes back decades. This study was designed, in part, to look directly at what legislators themselves thought of attempted changes to the compensation structure and if they wanted change, how those changes might best be made.

In the interviews, we asked legislators if the compensation structure were to include a salary how they thought it should be set. Most compared their work with other public servants in New Mexico and felt compensation

should be commensurate with similar work being done throughout the state. It should be noted that the following choices are not necessarily mutually exclusive. For example, if an independent committee was to be created to determine legislator compensation, that committee could still choose to tie the salary to a metric such as the average cost of living or the average salary of similar public officials. Respondents were therefore asked to choose up to three choices. We used the responses to the “other” category as a part of the conversation in the interviews. Additionally, several respondents used the “other” category to state that they were opposed to a salaried legislature.

Figure 12: If New Mexican legislators were paid a salary, how do you suggest that salary be set?, 43 respondents



In the cost analysis part of this chapter, we incorporate legislator suggestions into our tables, offering a variety of compensation options, linked into New Mexican case comparisons. We begin, however, by briefly revisiting how legislators are compensated in other comparison states.

5.1.1. Legislator Compensation in Other States

New Mexico is the only state to not have a set salary for its legislators, however, salaries vary widely, and New Mexico is not last in terms of overall compensation. Data from the National Conference of State Legislatures (NCSL) indicates that the average annual salary for legislators nationally was \$39,216 in 2021.⁵⁷ This salary includes full-time, part-time, and hybrid legislative structures. New Mexico’s legislature is considered part-time in the NCSL calculations.

⁵⁷ This excludes states which have a daily session salary in addition to their per diem and mileage compensation rather than an annual salary.

As described in the Background chapter (No. 2) of this report, we utilize a small cross-section of states for a closer comparison of modernization factors. In Table 13, we provide a comparison of compensation structures for our select states. A fuller comparison can be found in the sources listed in the background section of this report, or directly on the NCSL website for the 2022 data.⁵⁸

Per diem listed as “location dependent” refers to the fact that some states do not compensate legislators who live within a certain distance from their capitol building or city. New Mexico’s per diem is “time of year dependent” as it is tied to the federal compensation rate, which changes depending on the month. In 2023, the January and February per diem rate for Santa Fe is set at \$178 and increases to \$210 in March. Legislators in New Mexico are also able to claim per diem and mileage during the interim when attending official meetings for committees on which they serve.

The characterization of each legislature is discussed on the NCSL website and is based on multiple categories.⁵⁹ The time expected of legislators in their position is compared to that of a full-time job to reach the categories we use in the following table. “Full-time” is equivalent to 80% or more of a full-time job, “hybrid” is approximately two-thirds the equivalent of a full-time job, and part-time is approximately half of a full-time job. These characterizations are not directly related to session length; session length is only one factor in the NCSL typology. For example, though Alaska is characterized as a “full-time legislature,” their session length is limited to 90 calendar days annually. We delve further into Session Length and Scope in Chapter 6 of this report, but it is important not to conflate session length and the “type of legislature” listed in the table below.

NCSL notes that both part-time and hybrid legislators often have to hold employment outside of the legislature to make a living. They further subdivide and nuance their rankings, but we have simplified them here for comparison purposes.

⁵⁸ <https://www.ncsl.org/about-state-legislatures/2022-legislator-compensation>

⁵⁹ <https://www.ncsl.org/about-state-legislatures/full-and-part-time-legislatures>

Table 13: Legislator Compensation in Select Comparison States, 2022 NCSL data

	Annual Average Salary	Per Diem	Mileage	Type of Legislature
Alaska	\$50,400	Location Dependent	Yes	Full-Time
Arizona	\$24,000	Location Dependent	Yes	Hybrid
Colorado	\$40,242	Location Dependent	Yes	Hybrid
Georgia	\$22,342 ⁶⁰	\$247/day	Yes	Hybrid
Nevada	\$19,673, estimated ⁶¹	\$151/day	Yes, up to \$10,000 per session for total travel allowance	Hybrid
New Mexico	\$0	Time of Year Dependent	Yes	Part-Time
Oklahoma	\$47,500	Yes	Yes	Hybrid
Utah	Daily Rate for the Session plus Travel Allowance	Location Dependent	Yes	Part-Time

State-to-state compensation varies widely, as does the time legislators are required to dedicate to their positions. Should New Mexico change its compensation model, an examination of the time legislators spend on official work for their positions will need to be closely examined. This study found that many legislators reported spending more than 20 hours weekly on their legislative duties and that should be taken into consideration.

⁶⁰ Georgia figures do not use NCSL data as Georgia raised legislative pay in 2022. <https://www.ajc.com/politics/georgia-lawmakers-get-raises-and-higher-pensions-hoping-for-more-diversity/TXV4R7F6DFFBHIXGRZJCUFOAPE/>

⁶¹ This figure is an estimate provided by the State Innovation Exchange using 2022 data. Nevada provides a fixed rate for each calendar day of the session, up to 60 days, as well as an additional allowance for leadership. The fixed rate is different based on whether the legislator is up for reelection.

A final factor to examine when comparing New Mexico's legislator compensation to that of other states is how that compensation is set. Alaska, Oklahoma, and Utah all have compensation boards or commissions independent from the legislature that set or recommend legislators' salaries. In Utah, the legislature can choose whether to adopt the recommendation. Arizona also has a commission on salaries, but any changes to the salary must be certified by the Secretary of State and then go to a public vote in a general election. Colorado, Georgia, and Nevada have legislator salaries written into a statute. Colorado's rate is 25% of a county judge salary and Nevada has a daily pay rate during the session. In 2021, Georgia changed its statute to set legislator salaries at 60% of the median household income in that state.⁶²

5.1.2. Compensation for Other Elected Officials in New Mexico

One method for determining what the salary could be for legislators is looking to other elected, paid officials throughout New Mexico. In many of the interviews, legislators suggested looking to county commissioners or city councilors as a starting point for comparison.

5.1.2.1 County Commissioner Salaries

According to New Mexico state statutes, the legislative branch is responsible for setting the salary caps of various elected county officials. One suggested comparison is to the salary of a county commissioner. Counties in New Mexico are classified according to valuation and population, apart from Los Alamos, which is classified by its geographic size.⁶³

Salaries for these officials were updated in 2018, under House Bill 69, sponsored by then-Representative Bob Wooley.⁶⁴ In 2022, Representatives Randall T. Pettigrew and Stefani Lord sought to raise the caps reported in Table 14, but that measure was pocket vetoed by the Governor.⁶⁵ It is reasonable to use these caps as a basis of comparison for the work the elective officials in the legislature do.

⁶² <https://www.legis.ga.gov/api/legislation/document/20212022/209393>

⁶³ https://www.nmlegis.gov/publications/handbook/county_data_classification_20.pdf

⁶⁴ <https://www.nmlegis.gov/Sessions/18%20Regular/final/HBoo69.pdf>

⁶⁵ <https://www.nmlegis.gov/Sessions/22%20Regular/final/HBo219.PDF>

Table 14: County Commissioner Salary Caps by Classification

Classification	A	B	B	H
Classification Criteria	Valuation over \$75 million; 100,000 or greater population	Valuation over \$300 million; under 100,000 population	Valuation \$75-300 million; population under 100,000	Under 200 square miles
Counties	Bernalillo, Dona Ana, Sandoval, San Juan, Santa Fe	Chaves, Cibola, Colfax, Curry, Eddy, Grant, Lea, Lincoln, Luna, McKinley, Otero, Rio Arriba, Roosevelt, San Miguel, Sierra, Taos, Torrance, Valencia	Catron, De Baca, Guadalupe, Harding, Hidalgo, Mora, Quay, Socorro, Union	Los Alamos
County Commissioner Salary Cap	\$39,106	\$30,196	\$21,534	\$15,844

It should be noted that this is a salary cap, not the actual salaries paid by the listed counties. Santa Fe and Bernalillo Counties list their commissioners' salaries at \$39,106, which is the cap, whereas Grant and Otero Counties salaries are at \$25,334 and \$13,699 respectively. Noting this variation across the state, in the cost analysis below, we use the maximum salary cap of \$39,106 for a county commissioner as one hypothetical rule of thumb that may be used to set a standard for legislator salaries.

5.1.2.2 City Councilor Salaries




Like the salaries for county commissioners, city councilor salaries vary widely throughout the state. We spoke with city clerks and looked through official forms to find a range of salaries for comparison. Currently, Farmington pays its councilors \$10,000 annually but is changing to a go-day per diem system in FY24. Gallup's salary is set at \$15,000 as per the city's charter and Taos pays \$18,266 plus limited travel. Albuquerque's salaries range from \$30,600-33,660 and Las Cruces pays \$34,005-39,106.

In our analysis, we use \$35,000 as a hypothetical city councilor salary, recognizing this variation and acknowledging that the legislative session is held annually in Santa Fe, one of the more expensive locations in the state.

5.2. Legislator Survey and Interview Results

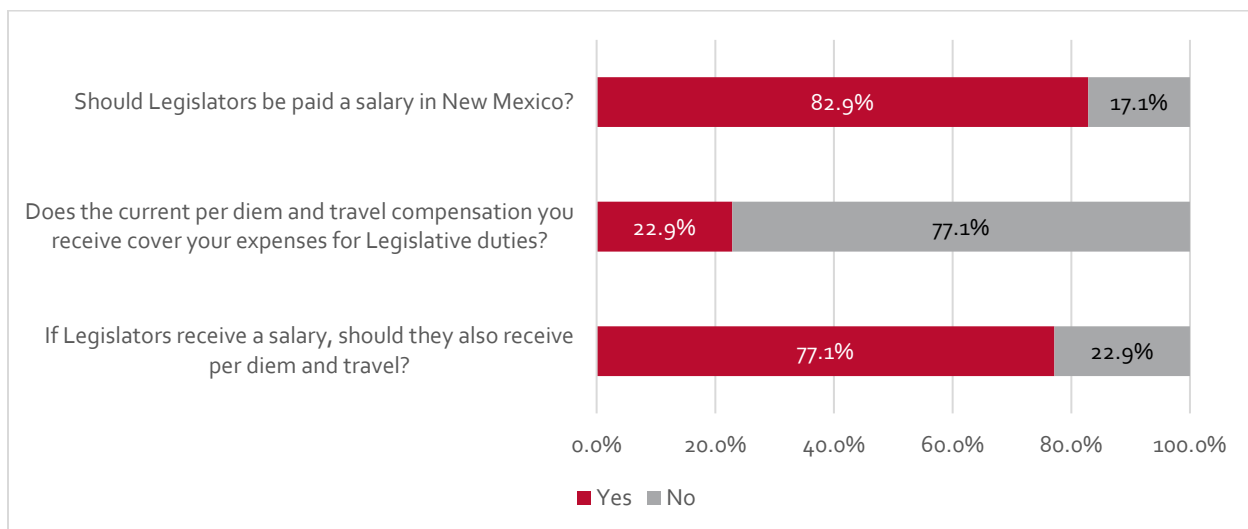
Although one objective of this research is to provide cost estimates for legislator compensation, we also examine legislator opinions on compensation and how their work is currently allocated.

We began by asking legislators three questions directly related to compensation:

-  Should legislators be paid a salary in New Mexico?
-  Does the current per diem and travel compensation you receive cover your expenses for legislative duties?
-  If legislators receive a salary should they also receive per diem and travel?

A majority of those who responded to this set of questions, answered that yes, legislators should be paid a salary (82.9%). A slightly smaller percentage, 77.1% said that they should continue to receive per diem and mileage if they are paid a salary. This is the same percentage as those who said that the current per diem and travel compensation they receive does *not* cover duty-related expenses. In the interviews, many respondents noted that a modest salary alone would still not cover the long distances legislators in large districts have to travel to meet with their constituents, nor would it cover the travel to/from Santa Fe, especially for those individuals who live hours away.

Figure 13: Initial Questions for Legislators on Compensation, 35 respondents



In short answer format, we followed up with questions about the potential benefits and drawbacks of providing legislators with a salary. Primarily, the responses discussed benefits, as many of the respondents supported changing the compensation for legislators. They described how they felt the process of running for the legislature would become open to a wider cross section of New Mexico residents and create a governing body that could better represent the state demographically, as potential legislators would not have “to sacrifice their ability to make a living” in order to become a public servant.

“[Providing a salary] would allow more people to participate in the legislative process by allowing them the opportunity to become public servants without having to sacrifice their ability to make a living.”

Further, in both the survey and the interviews, a number of legislators noted the influence of lobbyists on the legislative process and argued that a salary would reduce that influence. When talking about the benefits of receiving a salary, one legislator indicated that: “[W]e could work on bills all year around and have the expertise to help us. We could work with the experts in the area of our bills.” Legislators discussed the time it takes to learn all of the issues, to make educated decisions on bills, and to write good legislation. Some stated that there simply is not enough time to do this effectively while juggling a full-time job and the elected position and that this can cause over-reliance on other people’s interpretation of the issues, including lobbyist interpretations.

On the other hand, a few legislators opposed changing the compensation model for legislators. Some were vehemently opposed whereas others, particularly in the interviews, said they could potentially support changes if they were not extreme and involved true bipartisan collaboration. In the survey, the drawbacks to providing a salary included concerns about requiring a full-time legislature, the shift from a public service job to a “career politician” mindset, and personal financial and political gains should someone who may financially benefit from state policy choose to run for the legislature. Currently, Article IV, Section 3 of the New Mexico Constitution prohibits a state employee from running for the legislature, for example, but some interviewees felt this wasn’t enough.

“Without stronger conflict of interest rules [providing a salary] will have little or no effect on the corruption...of legislators using their positions to line their pockets.”

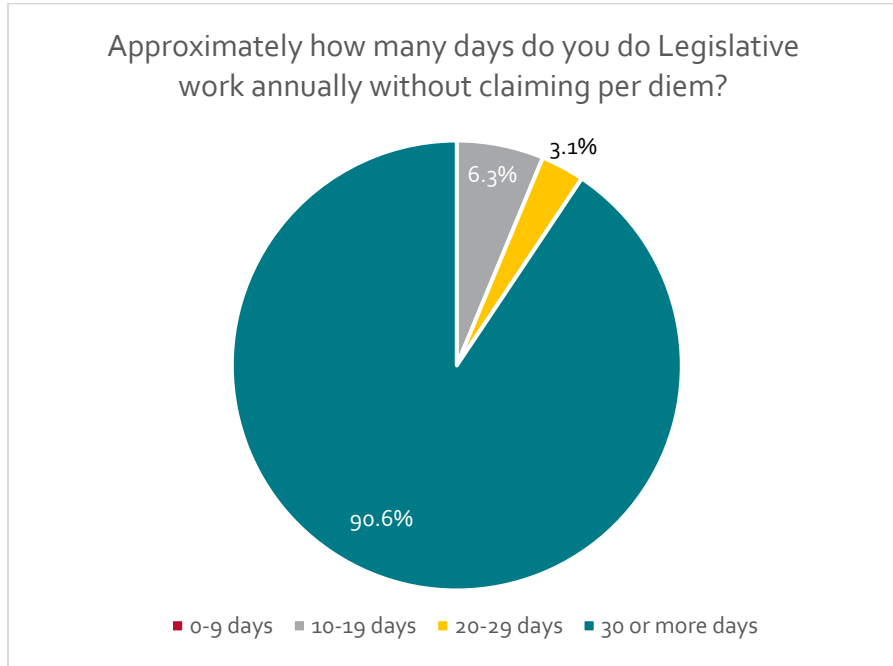
Concerns about requiring a full-time legislative commitment revolved around either the need to be away from constituents and districts more than they already are or the idea that there isn’t enough for full-time legislators to do and therefore it would be an inefficient use of state time and resources. No one we spoke to indicated that paying legislators a salary would require them to spend more time outside of the session in Santa Fe, but it remained a concern.

Overall, support for changes to legislator compensation came from the majority of respondents, albeit with some of the caveats discussed above.

“I am satisfied with a citizen legislature, but I can afford to do it and some people can’t. We need people who come from different backgrounds and represent different constituents.”

To further understand the current compensation model, we asked legislators how many days they worked annually without receiving per diem. All 32 respondents indicated they work 10 or more days completing duties related to being a legislator without being able to claim per diem or mileage costs.

Figure 14: Approximate number of days worked in legislative capacity without compensation, 32 respondents



We asked legislators to specify how they spend their uncompensated time. To do this, we offered ten task options and asked respondents to rank them from the task they perform most frequently to the task they perform least frequently. Table 15 shows the order that legislators list as their most frequently uncompensated task. We also asked them to comment on the duties we listed and add any they felt should have been included. Note that this asked about the frequency of tasks, not their duration. In the interviews, we asked if a salary would impact respondents' ability to perform the tasks and duties associated with being a legislator. Many described the desire to dedicate more time to community events, constituent concerns, and collaboration both with colleagues and public organizations in order to generate better, more representative legislation.

Table 15: Ranking of how legislators spend uncompensated time, 32 respondents

Rank	Item
1	Administrative Work (Writing/Reading Emails, Scheduling Meetings)
2	Attending/ Participating in Public Community Events
3	Responding to Constituent Concerns
4	Collaborating with District Constituents, Organizations, and Businesses
5	Conducting Research and/or Analysis for Potential Legislation
6	Staying Informed about Current Events & Issues Impacting the District and/or State
7	Collaborating with Colleagues
8	Attending Interim Committee Hearings
9	Gathering Constituent Views during Events such as Town Halls
10	Writing Legislation

Administrative work was by far the top uncompensated duty with 50.0% of respondents indicating it was their most frequent task and another 21.9% ranking it as their second most frequent task. Being overwhelmed by administrative work was most frequently discussed in the interviews as a reason to have dedicated staffing. We detail hypothetical changes to the Legislative Staffing model in Chapter 4 of this report.

The time spent completing administrative work contrasts with how the legislators report wanting to spend their currently uncompensated time. Legislators frequently described how the tasks involved in being responsive to constituent and community concerns are how they would like to spend their time. One interviewee described how sorting through 300 or more emails per day is step one in the process of being responsive and available. Some also described how completing these tasks well requires time and energy that then must be taken from their current employment or their personal and/or family time and how that extra work would be better spent working directly within their districts.

Interestingly, though attending committee hearings ranked fairly low on this list as few legislators listed it as their most frequent uncompensated task, 18.8% listed it as their second most frequently completed task. Currently, legislators are limited on how many interim committee meetings they may attend, based on whether they serve on certain committees and a set number of wild card days they may use for additional meetings.

Knowing how legislators spend their uncompensated time and which activities they wish they had more time for helps home in on what might be missing from the current legislative structure. While dedicated staff could help with some of the activities listed in the table above, many of the highly ranked activities need to be completed by the legislators themselves. Different visualizations for this survey item that attempt to fully illustrate how each of the uncompensated tasks ranks are included in Appendix D: Survey and Interview Additional Comments and Visualizations.

In the “other” category, legislators mentioned attending relevant out-of-state conferences, staying up to date on larger national issues and how New Mexico fits into the larger picture, studying proposed legislation to see how it might impact local communities, and acting as a liaison between local governments and the state government.

In the next section, we examine what it would cost the state to pay legislators a salary should the state decide that legislative work requires a salaried compensation structure. We base our estimates on some of the different metrics we heard in the interviews and the survey responses.

5.3. Discussion and Cost Analysis

In this section we estimate the costs associated with paying legislators a salary. The estimates we use are aligned with comparative cases in New Mexico and include the same figures as we used in the staffing calculations. These figures are calculated from current state pay and cost rates, conversations with state agencies, and data given to us by Legislative Council Service (LCS), Legislative Finance Committee (LFC), the State Personnel Office (SPO), the Employment Retirement Income Security Act office (Erisa), and the Public Employees Retirement Association of New Mexico (PERA). The comparative cases are based on primary data gathered in the interviews and surveys we conducted.

5.3.1. Cost Analysis

Table 16 below uses the same calculations for benefits and fees as the staff table with the assumption that legislators would be compensated in the same way as other state employees. However, our conversations with state agencies indicated that this may need to be considered carefully in policy as the short terms of some of the elected officials could cause difficulties for the retirement funding. Looking to the elected positions within judicial and executive branches for guidance may be useful to the policymakers.

In the following cost estimate tables, calculations for health benefits, retirement, retiree health care, life insurance, and Department of Information Technology and Human Capital Management fees are standardized, based on current standards and conversations with PERA about FY24 changes.

The median earnings used in Table 16 come from the US Census Bureau's 2021 American Community Survey One-Year Estimates.⁶⁶ The earnings associated with educational attainment include both part-time and full-time earnings; it is not disaggregated in the survey, which is why we include median earnings for full-time workers throughout the state, independent from educational attainment. We also include comparisons to other elected employees in New Mexico, as described in the sections above.

The health benefits cost we use through the calculations is based on the highest possible plan cost to the state, at the family rate. In this way, we overestimate the total costs, illustrating the maximum possible the state *could* be responsible for, if all legislators had families and opted into the highest cost plan. Additionally, state contributions vary based on the employee's salary.⁶⁷

Retirement benefits contributions by the state currently sit at 18.74% of an employee's salary, but this will be increased by .5% in FY24 to 19.24%. We used the FY24 figure in our total cost calculations. Currently, legislators can pay \$1,000 into the optional retirement fund annually and oil and gas royalties contribute \$1.2 million.⁶⁸ Legislators qualify for this benefit if they serve a minimum of six months and through one session but are only vested in the retirement system if they serve for 5 years. Should the compensation structure change, the retirement options will also need to be reevaluated to consider the term length of elected officials.

Retiree health care contributions from the state will remain stable in FY24 at 2% of an employee's salary. Life insurance contributions from the state amount to a flat rate of \$4.42 per employee per month, or \$53.04 annually; however, this may change in coming years as the fund is in deficit as of the data we gathered in December 2022. Flat rates are also charged for the Department of Information Technology and Human Capital Management (DOIT-HCM) at \$328.00 per employee annually.

⁶⁶ Table S2001: "Earnings in the Past 12 Months (In 2021 Inflation-Adjusted Dollars). "Earnings," or money earned from employment alone is used rather than "income" as income is all money received and includes benefits, social security, pensions, etc. The Census website discusses this in further detail.

⁶⁷ https://www.mybenefitsnm.com/documents/FY23_Premium_Rates_Schedule_FINAL.pdf

⁶⁸ Personal communication with PERA. This figure is earmarked for legislator retirement annually but has been deferred in past years. Regardless, the state is obligated to pay into the current retirement system for legislators at the \$1.2M flat rate.

State contributions to FICA (Federal Insurance Contributions Act), the US federal payroll tax, include Social Security and Medicare. Social Security is set at 6.2% of an employee's salary. Medicare is also a set rate at 1.45% of an employee's salary.

Per diem averages are calculated using 2022 actual interim claims and projected average session per diem costs. Each legislator receives the same amount of per diem funding during the session, so we base our annual calculations on 45 days, which is the average across a 2-year session cycle of 60-30. Annual rates will vary based on the number of days in a session, whether additional days are added to the session (as with a special or extraordinary session), and whether a recess is added to the session. These variables are accounted for and discussed in the chapter on session length; however, the session figures should be treated independently from the legislator compensation figures as the per diem and travel costs will overlap in the estimates.

Travel averages are also calculated using 2022 actual interim claims and one roundtrip to/from the session. Currently, each legislator is compensated for one roundtrip to the Roundhouse during the session and for official interim business. Mileage will vary greatly year-to-year, depending on the composition of the legislature and where individual legislators are traveling from when they go to interim committee meetings and Santa Fe. Further, should legislators receive a salary, there may be an incentive or even a requirement to attend a certain number of interim committee meetings. If this occurs, there is likely to be an increase in annual travel averages but estimating that is outside the scope of this study.

The following table estimates the total cost to the state for paying legislators a salary across five different metrics. This total does *not* consider existing expenses; we detail estimated new costs to the state in Table 12.

Table 16: Estimated Total Cost for a Salaried Legislature

New Mexico Case Comparisons	Estimated Salary	Health Benefits	Retirement Benefits	Retiree Health Care	Social Security	Medi- care	Life Insur- ance	DOIT- HCM	Total Salary + Benefits Per Legislator	Average Travel	Average Annual Per Diem	Annual Cost per Legislator	Estimated Annual Cost for 112 Legislators
Median Earnings with a Bachelor's Degree	\$49,976	\$18,788	\$9,615	\$1,000	\$3,099	\$725	\$53	\$328	\$83,583	\$921	\$15,329	\$99,833	\$11,181,289
Median Earnings with Higher than a Bachelor's Degree	\$69,168	\$14,091	\$13,308	\$1,383	\$4,288	\$1,003	\$53	\$328	\$103,622	\$921	\$15,329	\$119,873	\$13,425,732
Median Earnings for a Full-Time, Year-Round Worker	\$48,194	\$18,788	\$9,273	\$964	\$2,988	\$699	\$53	\$328	\$81,286	\$921	\$15,329	\$97,536	\$10,924,045
Maximum Salary Cap for a County Commissioner	\$39,106	\$18,788	\$7,524	\$782	\$2,425	\$567	\$53	\$328	\$69,572	\$921	\$15,329	\$85,823	\$9,612,130
Sample Salary for a City Councilor	\$35,000	\$18,788	\$6,734	\$700	\$2,170	\$508	\$53	\$328	\$64,280	\$921	\$15,329	\$80,530	\$9,019,401

These figures represent the estimated total cost to the state for providing different legislative salaries, should the legislators be paid in a similar manner to other state employees. In the following table, we estimate the new cost to the state removing per diem and mileage from the equation as well as current state retirement contributions.

Current retirement contributions stand at \$1.2M annually. Should the retirement system be changed to look more like that of other state employees, as in our estimates, the \$1.2M flat state contribution would no longer apply for new legislators; rather, the state would pay a percentage of each salary, as described in the sections above. We therefore remove the \$1.2M contribution as retirement funds are already being accounted for in our model. This may not be the direction a compensation commission would choose to go with legislator retirement as their terms are atypical of a regular employee.

Table 17: Estimated New Annual Costs to the State for Legislator Compensation

New Mexico Case Comparisons	Estimated Salary	Estimated Total Annual Cost for 112 Legislators	Existing Travel and Per Diem Costs	Existing Retirement Contributions	New Annual Costs to the State
Median Earnings with a Bachelor's Degree	\$49,976	\$11,181,289	\$1,836,276	\$1,200,000	\$8,145,013
Median Earnings with Higher than a Bachelor's Degree	\$69,168	\$13,425,732	\$1,836,276	\$1,200,000	\$10,389,456
Median Earnings for a Full-Time, Year-Round Worker	\$48,194	\$10,924,045	\$1,836,276	\$1,200,000	\$7,887,769
Maximum Salary Cap for a County Commissioner	\$39,106	\$9,612,130	\$1,836,276	\$1,200,000	\$6,575,854
Sample Salary for a City Councilor	\$35,000	\$9,019,401	\$1,836,276	\$1,200,000	\$5,983,125

Total new, or additional, annual cost to the state for legislator compensation after accounting for current contributions ranges from \$5,983,125 at a \$35,000 salary rate to \$10,389,456 at a \$69,168 salary rate. Again, these figures will need to be more closely examined should a commission be set up to determine compensation and benefits logistics, but they should give a good guideline as to what the state would need to budget annually if legislators were paid a salary.

Ultimately, New Mexico voters will have to agree to any changes to legislative compensation, as it requires a change to the state constitution. As discussed in the background section, the 2022 Common Cause poll⁶⁹ found that 38% of their sample of registered New Mexico voters already believe legislators are paid a salary and 27% don't know how they are paid (or would not answer). The public's misunderstanding of legislator compensation may pose a hurdle to those trying to change the system, but the same poll found that 64% of respondents supported paying legislators a salary. Should the legislature aim for change now, the Common Cause study shows potential voter support, and this study shows potential internal support.

In the next section, we look at session length and scope, and how legislators and staff look at the efficacy of the current system.

⁶⁹ https://www.commoncause.org/new-mexico/wp-content/uploads/sites/19/2023/01/05_COMMON-CAUSE-RPT.pdf

Session Length and Scope

New Mexico’s regular legislative session currently runs for 60 calendar days in odd-numbered years and 30 calendar days in even-numbered years as per the state’s constitution, article IV, section 5. The constitution also sets the start date and time at noon on the third Tuesday of January. Further, the 30-day sessions are slated to only consider the following:

“1) budgets, appropriations, and revenue bills; 2) bills drawn pursuant to special messages of the governor; and 3) bills of the last previous regular session vetoed by the governor.”

In this chapter, we compare New Mexico’s session structure to select other states, discuss the results of the survey and how legislators and staff report the session structure impacts their work, and how different configurations of session length could impact the state financially.

6.1. Background and National Context

6.1.1. New Mexico’s Legislative Session

On the third Tuesday in January each year, the New Mexico Legislature begins its session. Legislators meet for 60 days in odd years and 30 days in even years. In a 30-day session, the legislature must set the state budget and may consider bills vetoed by the governor in the previous session, but beyond that, the governor sets the agenda for legislation and therefore, topics are limited.⁷⁰

The 60-30 session length is written into New Mexico’s constitution and therefore would require an amendment to change it, which must then be ratified by a majority of the electors voting on the amendment. However, the number of days legislators meet annually has been extended 13 of the last 20 years (65%) vis-à-vis a special session, as seen in Table 18.

According to the New Mexico constitution, a special session “may be called by the governor, but no business shall be transacted except as relates to the objects specified in the proclamation.”⁷¹ Additionally, the same section of the constitution stipulates that when “three-fifths of the members elected to the house of representatives and three-fifths of the members elected to the senate shall have certified to the governor of the State of New Mexico that in their opinion an emergency exists in the affairs of the state of New Mexico” the governor must convene an “extraordinary session” within five days. Should the governor fail or refuse, the legislature may convene itself. The only extraordinary session in the legislature’s recent history was held in 2002.

⁷⁰ New Mexico Constitution, Article IV, Section 5.

⁷¹ New Mexico Constitution, Article IV, Section 6.

Table 18: Years with Special Sessions for the New Mexico Legislature, 2003-2022

Special Session		No Special Session
Years	2022, 2021, 2020, 2017, 2016, 2015, 2011, 2010, 2009, 2008, 2007, 2005, 2003	2019, 2018, 2014, 2013, 2012, 2006, 2004
Number of Years	13	7

In 2021, Representatives Rod Montoya, Daymon Ely, Georgene Louis, and James G. Townsend put forth House Joint Resolution 13, which proposed an amendment that would change the session length to no greater than 45 days each year and would remove the limitations on the scope of legislation in even-numbered years. This resolution was passed in the House of Representatives but was not voted on in the Senate.

Senator Daniel A. Ivey-Soto proposed legislation in 2020, through Senate Joint Resolution 12, that also sought to create a session cycle of 45 days each year, “without limitation on subjects for consideration.” The resolution was sent to the Senate Rules Committee, but action was postponed indefinitely.

In 2019, Senator Joseph Cervantes proposed Senate Joint Resolution 14, seeking an amendment to change session length to 42 days annually. This resolution also proposed the amendment should adjust the scope of the session, eliminating the governor’s special messages⁷² and the limitations to budgetary matters, but allowing “for veto override bills of the last previous session vetoed by the governor,” adding a stipulation that this consideration could only come from the bills vetoed in the last regular session. This resolution made it through the Senate Rules Committee with a do-pass recommendation, but again, it was halted when action on it was postponed indefinitely.

This motion for change can be traced back decades. As just one example, 20 years ago, in the 2003 regular session, then-Senator Allen V. Hurt proposed Senate Joint Resolution 10 aimed at creating a session cycle of 45 days annually and adjusting the scope of the session, albeit in a different way than the more recent resolutions. This resolution went through multiple committees, failed to pass the Senate, was reconsidered by the Senate and passed, and was sent to the House, where action on it was postponed indefinitely.

Again, all these pieces of proposed legislation would require an amendment to the New Mexico Constitution that, once passed through the legislature, must additionally be ratified by a majority of the electors voting on the amendment.

In 2017, Representative Angelica Rubio introduced House Joint Memorial 16 to better study how change might look in the New Mexico legislature. This memorial requested the convening of a task force to study the legislative process including, “consideration of the length of legislative sessions, compensation of legislative members, investigation of ethics complaints, legislative efficiency and other topics affecting the work of the legislature.” The 2017 House State Government, Indian, and Veterans’ Affairs Committee (HSIVC) gave the

⁷² Colloquially, this is often referred to as “the Governor’s call,” however, this is legally inaccurate. In the New Mexico Constitution, the “call” refers to the proclamation issued by the governor for a special session.

legislation a do-pass recommendation, but it was then tabled by a motion in the House and action was postponed indefinitely.

In the next section, we'll compare New Mexico's legislative session with that of select other states and discuss how the state fits into the broad picture of both session length and scope.

6.1.2. Comparison with Other States' Sessions

6.1.2.1. Session Length

In UNM professors Timothy Krebs and Michael Rocca's 2022 study on professionalization, or modernization,⁷³ New Mexico ranked 48th out of 50 states average session length from 2003/4-2013/14, with only Wyoming and North Dakota meeting for fewer days over a two-year period. New Mexico's average was calculated at 70.5 days per biennium. The data used in the study does not include special session days and extensions of the regular session allowed by other states, as those days are generally intended to be exceptional, rather than standard practice.

As described in the Background chapter (No. 2) of this report, we utilize a small cross-section of states for a comparison of modernization factors. In Table 19, we provide a comparison of session length limits for our select states over a two-year cycle. The limits shown in the table are not necessarily the number of days a legislature meets, as they may meet for fewer days or more under certain provisions.

Table 19: Session Length Limits in Select Comparison States

Session Length Limits, Two-Year Cycle	
Alaska	90-90, calendar days
Arizona	100-100, calendar days*
Colorado	120-120, calendar days
Georgia	40-40, legislative days
Nevada	120, calendar days per biennium
New Mexico	60-30, calendar days
Oklahoma	session must end by the last Friday in May
Utah	45-45, calendar days

*Arizona specifically states the session will not go past the last Saturday of the week in which the 100th calendar day falls.

⁷³ The original study, fully cited in Appendix E: References, includes a dataset with metrics including session length, compensation, and staffing ranging from 1973/74-2013/14. Krebs and Rocca utilize this dataset to generate average session length by state for the most recent data in the study, 2003/4-2013/14, and rank states according to how many days the session actually met over that period of time.

Session length is important to consider when looking at modernization measures as it represents the amount of time the legislature has to generate the budget and create policy to impact the state. Modernization scholars⁷⁴ note that longer sessions create a more powerful legislature, with more opportunity to balance the executive branch's power and to innovate impactful policy. Again, a strong argument for extending the legislative session can be found in the recent report by Krebs and Rocca; however, this study is not designed to make an argument for or against session length, but rather to place New Mexico in the greater national context and examine the opinions and ideas of the legislators and legislative staff on these topics.

6.1.2.1. Session Scope

To review the information given in the background chapter about the relationship between the legislative and executive branches, across all 50 states, the governor sets or shares responsibility for making the state budget and can sign bills (generated by the legislature) into law or veto them.⁷⁵ This veto may be active, or passive in some states, such as New Mexico, wherein the governor can choose not to formally sign specific legislation, resulting in a "pocket veto." Further, New Mexico allows for line-item vetoes, in which the governor is allowed to strike an item from a bill appropriating funds rather than vetoing the entire piece of legislation. This option is only available to the governor when a bill calls for an appropriation.

One of the legislature's primary responsibilities is to introduce new legislation, creating policy for the state. In even-numbered years, New Mexico's legislature is limited on legislative topics, as per the special messages of the governor.

6.2. Legislator Survey and Interview Results

6.2.1. Session Length

Amendments to the length of the legislative session have come from both chambers of the legislature and both sides of the political aisle. Although session length is intertwined with compensation, staffing, and session scope, we first asked about session in both the legislator survey and the legislator interviews by asking about length alone. Nearly every interviewee had a strong opinion to share on the session length.

The current session length is terrible! That much policy in a short amount of time does not make sense – it doesn't help us meet the immediate needs of New Mexicans."

One of our first survey questions on session length asked legislators,

⁷⁴ For example, see Rosenthal, Alan, 1996 as well as Jansa, Hansen, and Gray 2019.

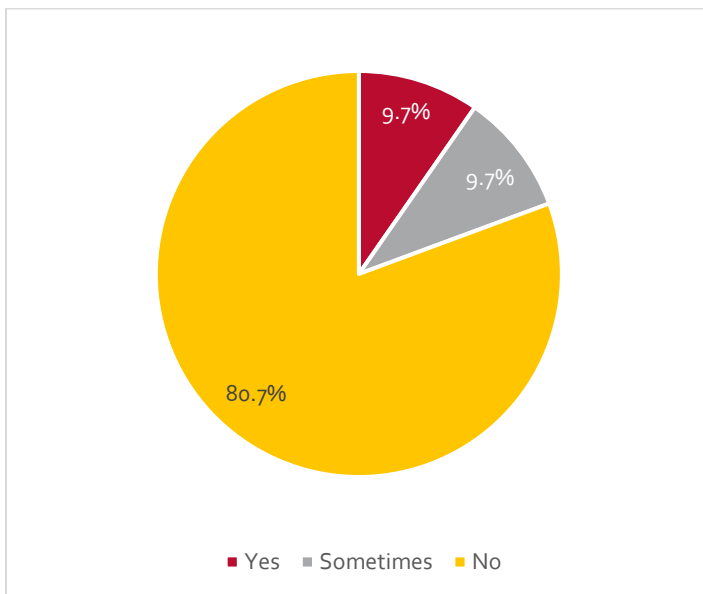
⁷⁵ The executive branch varies from state-to-state and has many further responsibilities, but these two tie directly to the scope of the session as discussed in this chapter.

The Council of State Governments. 2021. *The Book of the States*, v.53. <https://www.nga.org/wp-content/uploads/2022/10/CSG-book-of-the-states-2021.pdf>

"Given the current session structure, do you feel you have enough time in your role as a Legislator to review, research, analyze, and draft bills or amendments, listen to and consider public input in detail and in depth, debate the impact of legislation with your colleagues (Caucus and Minority Party) during Committee Hearings, and on the floor, and vote on Legislation?"

Less than 10% said they always have enough time to complete the listed tasks under the current session structure. 80.7% reported they do not have enough time.

Figure 15: Legislators' Report on Having Enough Time to Complete Tasks Given Current Session Structure, 31 respondents



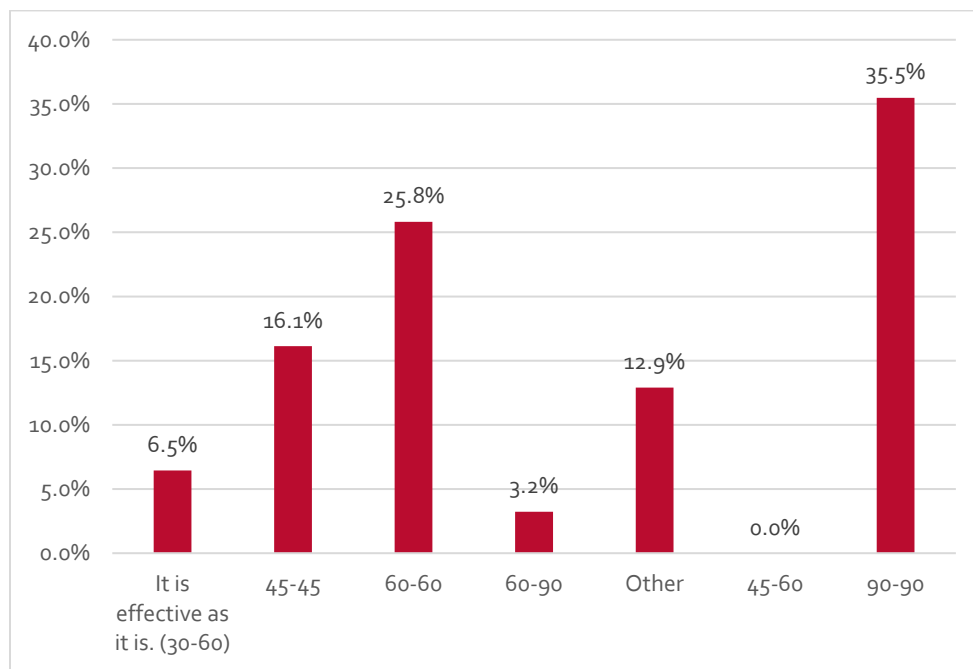
Combining this data with the historical look at proposed session change legislation indicates that there is interest in adjusting the session length, though suggested adjustments may not easily be agreed upon. In the interviews, most legislators expressed frustration at how little time they have to enact thoughtful policy. They noted the complexity of issues facing New Mexicans and the difficulty of voting on a multi-billion dollar budget in a short period of time. A few cited legislation that they thought would be beneficial but had unintended consequences that they felt could have been better predicted with more time to review and research the policy implications.

Maybe we wouldn't have as many bad bills if we had more time to create thoughtful legislation and have real input from stakeholders.

On the other hand, a few respondents to both the survey and interviews stated that more time in Santa Fe would mean more time away from their constituents. They expressed concern that without limitations on the number of bills being introduced, a longer session could result in "more bad legislation." These voices were in the minority in our sample but need to be acknowledged.

We then asked legislators what the most effective session length would be given the tasks and responsibilities of the legislature. We included an option for individuals to indicate the session is effective as it is and 6.5% of respondents did so. This represents a smaller portion of respondents than those who indicated they have enough time to complete their tasks in the given session length.

Figure 16: Legislator Survey Response on Most Effective Session Length, 31 respondents



Although 35.5% of respondents indicated a session cycle of 90 days each year would be an optimal length, few interviewees agreed. Interviewees who saw a need for changing the session length tended to discuss a 60-60 day or 75-75 day session. Some mentioned the need for a modest recess, or an official split session, to break up the work and give legislators time to check in with constituents. Nearly all interviewees criticized the 30-day session, noting the complexity of the work they are expected to do in such a short amount of time and the inability to respond to their constituents' needs unless their legislation received a special message from the governor.

"We are writing an \$8 billion dollar budget in 30 days! That is insufficient time for the complexity of the work."

Although we also asked about the start time of the legislative session, most of the respondents, both in the surveys and in the interviews, reported that they were fine with when the session currently starts. Concerns arose for freshman legislators being thrown into the session with little preparation and time to develop legislation, but many interviewees noted this could be addressed with better mentorship programs.

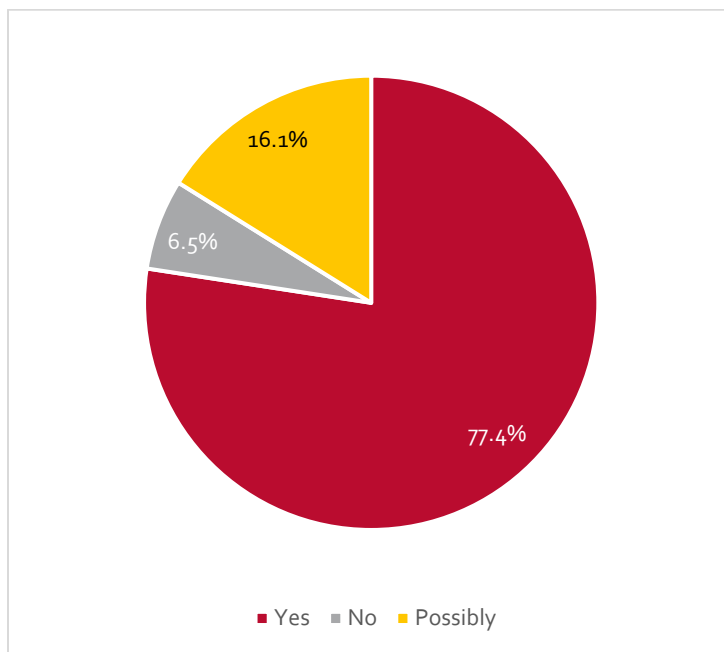
The majority of the legislators we spoke to felt the legislature would be unable to conduct a 30-day session effectively without limitations by the governor. The question of scope ties deeply to the length of the session.

In the next section, we examine legislator responses to the limitations on session scope by the executive branch.

6.2.2. Session Scope

In a 30-day session, which occurs during even-numbered calendar years, one of the legislature's primary responsibilities is to set the state budget. Topics for legislation beyond the budget are set by the governor, thereby limiting what new policies are on the table in even-numbered years. Bills vetoed by the governor in the previous session may also be considered for veto override during this time. These limitations have come under scrutiny regardless of the governor's tenure or party affiliation. In our survey, 77.4% of respondents said that the governor's role in the legislature's shorter sessions should be changed. Only 6.5% reported it should stay the same.

Figure 17: Legislator Survey - Should the limitation on scope of session be eliminated or changed?, 31 respondents



We have issues [in New Mexico] that are all the time! All the time! It is a pain for us to try to satisfy constituent needs when we can only do that every two years.

A few respondents noted that salaried executive and judicial branches alongside the governor's role created an imbalanced state government. One suggested that rather than three co-equal branches of government, New Mexico has 2.5. The power of the executive branch and the weakness of the legislature were repeatedly noted when survey respondents commented on the session's scope limitations. Some also noted that this opinion is not popular to hold publicly unless you know you have a critical mass of legislators willing to call for change.

Changing the scope of the session is something that can be considered but would likely require a change in session length alongside it. Again, as with the session length, this change could only be made with an

amendment to the New Mexico Constitution, that once passed through the legislature, would additionally need to be ratified by a majority of the electors voting on the amendment.

6.3. Discussion and Cost Analysis

Estimates for session costs are taken directly from the 2021 and 2022 House Bill 1, also known as the Feed Bill, and are allocations, not actual expenditures.⁷⁶ Using these figures allows for a higher estimate than may be the actual cost of holding the session each year but aligns with what the state says it needs to set aside. Table 20 gives the figures from the two Feed Bills and totals them across the two-year session cycle to better understand what a full session cycle may cost. These 2-year values can then be compared to the estimates for total costs for changing the session length for a full cycle.

Table 20: Annual Session Costs, 2021-2022, from the Feed Bill (HB1)

Current	Per Diem for Legislators	Mileage for Legislators	Salaries and Benefits for Legislative Employees	Senate Expenses (not salaries or benefits)	House Expenses (not salary or benefits)	Legislative Council Service Expenses, Joint Billroom, Mailroom, and Switchboard	Total
2022 (30- Day Session)	\$581,280	\$17,460	\$3,436,861	\$395,859	\$426,540	\$1,058,800	\$5,916,800
2021 (60- Day Session)	\$1,173,800	\$17,300	\$4,743,400	\$649,200	\$429,900	\$1,394,500	\$8,408,100
Session Cycle Total	\$1,755,080	\$34,760	\$8,180,261	\$1,045,059	\$856,440	\$2,453,300	\$14,324,900

Using the allocations for the 2021 and 2022 sessions, we calculated a per-day average cost for each of the values that change annually. Again, these are allocations, not expenditures, and therefore overestimates. The 30-day session had a higher average cost per day than the 60-day session, \$196,644.67 and \$139,846.67, respectively. This could be because the New Mexico government continued to utilize a hybrid model during the COVID-19 pandemic in 2021 and/or possibly because inflation rates have driven up costs generally. It could also be that a 60-day cycle benefits from economies of scale which may drive down average daily costs. As we do not know the specific reasons for the difference in daily rate from one year to the next, we averaged the allocations over the course of the two-year figures individually to generate our daily multiplier used in Table 21. This average daily allocation rate came to \$168,245.67.

⁷⁶ <https://www.nmlegis.gov/Sessions/22%20Regular/final/HB0001.pdf>;
<https://www.nmlegis.gov/Sessions/21%20Regular/final/HB0001.pdf>

Table 21: Estimated Total Costs for Session Length Changes, 2-Year Cycle

Projected Session Length Changes (2-Year Cycle)	Per Diem for Legislators	Mileage for Legislators	Salaries and Benefits for Legislative Employees	Senate Expenses (not salaries or benefits)	House Expenses (not salary or benefits)	Legislative Council Service Expenses, Joint Billroom, Mailroom, and Switchboard	Total
45-45	\$1,752,270	\$34,760	\$8,712,842	\$1,080,689	\$962,235	\$2,634,075	\$15,176,870
60-60	\$2,336,360	\$34,760	\$11,617,122	\$1,440,918	\$1,282,980	\$3,512,100	\$20,224,240
90-90	\$3,504,540	\$34,760	\$17,425,683	\$2,161,377	\$1,924,470	\$5,268,150	\$30,318,980

These figures should be compared to the totals in Table 20 as they represent a 2-year legislative session cycle. Mileage is consistent across session length changes as legislators are only allocated mileage for one roundtrip to and from the session annually. Should legislators opt for a split session with a mandatory recess, the mileage figures would double, assuming they would receive compensation for two roundtrips to and from the Roundhouse. This figure has a fairly insignificant impact on the overall cost of the session but should be taken into account should the session structure change as well as the length.

Table 22: Estimated Cost Change for Different Session Lengths, Two-Year Totals

Proposed Session Length Changes (2-Year Cycle)	Estimated Total Cost for Proposed Session Length Changes	Current 60-30 Session Cost Total	Estimated 2-Year Cost Change
45-45	\$15,176,870	\$14,324,900	\$851,970
60-60	\$20,224,240	\$14,324,900	\$5,899,340
90-90	\$30,318,980	\$14,324,900	\$15,994,080

Of note in this table is the disparity between the current 60-30 day session and the 45-45 day projected session. Although both scenarios have the same number of days and mileage is held constant, there is an \$851,970 cost difference. This is because we used the higher average figures to generate our estimates and thereby err on the more costly end to ensure the allocations would meet the requirements for the changes.

Should the session length be altered through an amendment to the New Mexico Constitution, the state will need to increase its allocations to accommodate the additional days of activity in the Roundhouse accordingly. This may include changes this study does not account for including changing staffing, space, and other

logistical needs. These figures should be considered rough estimates of a potential change; however, the expertise of the legislative agencies who already plan for and execute the session every year should be relied on for understanding how that change would look on the ground.

Conclusion

Changes to the New Mexico legislative structure are not a new idea. This report has illustrated how the concept of modernization, or professionalization, has been both a state and a national topic of interest for decades. Additionally, calls for change to the have been bipartisan and bicameral as Republicans and Democrats, in the Senate and the House, have proffered legislation to change or modernize the New Mexico legislature for many years.

Should the New Mexico Legislature vote to make structural changes regarding legislator pay or session length, the New Mexico voters will have to ratify the proposed changes as these are written directly into the New Mexico Constitution. Some commentators have asked how these types of changes may impact or benefit that state of New Mexico⁷⁷ but it is not the purpose of this report to answer that question; many other scholars focus on those impacts nationally.⁷⁸ Rather, BBER was tasked with assessing legislative staffing roles, needs, and goals; identifying how the time legislators spend on legislative tasks is allocated and compensated; analyzing if barriers exist for legislators to fulfill legislative responsibilities; and generating rough cost estimates for potential changes to the legislative structure. Understanding how resources are currently utilized and how change is perceived internally can provide insight into what changes would potentially have the greatest positive impacts on quality of work and effectiveness within the New Mexico legislature.

A key, but unsurprising finding of the present effort is that a highly functioning legislature requires quality staff. The interviews and surveys made it clear that the current legislative staff are doing excellent work and yet their job descriptions do not always cover the kinds of support legislators say they need. Although there was also evidence that legislators needed time and mentoring to develop institutional knowledge and better utilize existing resources, knowledge alone would not the legislators with the specific, legislative duty-related tasks that are not covered by current staff.

In addition, many tasks a legislator completes as a part of their duties are uncompensated. Over 90% of the legislators who participated in our survey indicated they work 30 or more uncompensated days on legislative tasks. Despite this unpaid work, a few legislators argued against compensation changes as well, citing concerns about requiring a full-time legislature, and shifting from a public service job to a “career politician” mindset. However, most respondents argued that making educated decisions on bills and writing good legislation took time and energy that was in short supply as they worked an additional full-time job and managed a home life. Many also reported that the barriers to entry into public office are too high for most New Mexicans and therefore the legislature, as it is currently composed, may not represent the state adequately.

Adjusting the length of the legislative session has also been suggested a mechanism for modernizing the legislature as session length directly corresponds to the amount of time the legislature has to create responsive policies, debate ideas, and generate the state’s budget. Legislators we interviewed noted the complexity of issues facing New Mexicans and the difficulty of voting on a multi-billion dollar budget in a short period of time. Should a constitutional amendment to alter the session length be passed by the legislature and affirmed by the

⁷⁷ <https://www.abqjournal.com/2573254/salaried-legislators-modern-professional-legislature.html>

⁷⁸ See references throughout the report including, but not limited to Rosenthal 1996; Kousser and Phillips 2009; Crosson, Lorenz, Volden, and Wiseman 2018; Jansa, Hansen, and Gray 2019; Krebs and Rocca 2022.

electorate, it will be critical to listen to the existing legislative agencies for guidance for how the changes are likely to impact the budget, staffing, and other related logistics.

Since becoming a state in 1912, the complexity of running and effectively managing the modern New Mexico government has increased, causing some to call for legislative reforms. This report has combined a brief historical and structural overview of recent calls for legislative reform with voices from inside the legislature, aiming to bring together divergent and convergent ideas into one forum to help facilitate the continued conversation on legislative modernization in New Mexico.

Appendix A: Survey and Interview Questions

A.1. Legislator Survey

Statement of Consent

This survey is being conducted by the UNM Bureau of Business and Economic Research (UNM BBER) and is sponsored through this year's SB 1 with Junior Appropriation funds from Representatives Joy Garratt and Angelica Rubio.

The survey is designed to examine the costs and benefits of legislator compensation, legislative staffing needs, and the length and scope of legislative sessions. You will be asked multiple choice, short answer, and rank order questions throughout the survey. Some responses are required but many are not. We would appreciate if you could fill out as much information as possible, realizing that this survey will take 30-45 minutes to complete in full.

Once you start the survey, you will have two weeks to respond, edit, and save your responses. You may take the survey in a web browser or on your phone, but you may need to enable pop-ups for the Qualtrics site. Please contact us directly if you have any difficulty in taking the survey.

Only UNM BBER will have access to your responses and all data will be written into the report in the aggregate. Further, your name will not be associated with your responses. We do not ask for your name at any point during the survey unless you indicate an interest in being interviewed for the study. Contact information will be gathered in a survey document separate from your responses.

Your participation in this research is completely voluntary.

If you have any questions or concerns about the study, or if you would prefer an alternate survey method (paper or phone, for example), please reach out to the Lead Researcher, Rose Elizabeth Rohrer (rrohrer@unm.edu; 505.277.7068) or BBER's Acting Director, Michael O'Donnell (mo8684@unm.edu).

Thank you for your participation!

- ☐ I have read the consent and agree to participate in this study. (4)
- ☐ I do NOT agree to participate in this study. (5)

Skip To: End of Survey If Statement of Consent = I do NOT agree to participate in this study.

This section of the survey will ask about Legislative compensation, Article IV, Section 10 of the [New Mexico Constitution](#) (p.28-29). It contains 7 main questions and a few short answers for elaboration of your responses.

Does the current per diem and travel compensation you receive cover your expenses for Legislative duties?

- ☐ Yes
- ☐ No

Please explain your response.

Should Legislators be paid a salary in New Mexico?

- ☐ Yes
- ☐ No

If Legislators receive a salary, should they also receive per diem and travel?

- ☐ Yes
- ☐ No

If New Mexican Legislators were paid a salary, how do you suggest that salary be set? Select up to three choices.

- Independent Commission sets salary annually (binding)
- Independent Commission recommends salary annually (Legislative vote required to accept)
- Flat rate written into law
- Legislative vote sets salary
- Salary tied to a percentage of what Federal Legislators make
- Salary tied to a percentage of the average cost of living in New Mexico
- Other (elaborate below)

Other: _____

Would receiving a salary change your ability to do your job as a Legislator?

- ☐ Yes
- ☐ Maybe
- ☐ No

Please elaborate on your response.

What potential benefits do you see in providing Legislators a salary?

What drawbacks do you see in providing Legislators a salary?

This section of the survey will ask your opinions about staff services. For the purposes of this survey, "individual staff" will refer to staff that would hypothetically be assigned to individual Legislators on a part-time or full-time basis. There are 8 main questions in this section of the survey.

For each of the following, please indicate whether you would change the staff services you receive.

	Would Change Services	Would NOT Change Services	N/A
LCS Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Office of the Chief Clerk Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
LFC Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
LESC Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Leadership Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Caucus Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Interim Committee Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Session-only Temporary Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you chose that you would change the staff services you receive, please describe how you would do so.

Do you feel that individually assigned staff could provide you with services that are not currently provided by legislative staff?

- ☐ Yes
- ☐ No

Please explain your response.

Assuming there was a budget or allowance to pay for individual staff, please rank the following desired staff services in order of preference using the numbers 1-6. (1 being most important, 6 being least important).

- _____ Administrative Assistance (scheduling/communications)
- _____ Community Engagement (community networking, outreach/attending community meetings, and tracking local issues)
- _____ Constituent Assistance (constituent correspondence and referrals to Chief Clerk)
- _____ Member Liaison (serve as liaison between Member and local businesses/agencies/organizations)
- _____ Research Assistance (issue/policy/legislative research; support Member expertise on specific policy development)
- _____ Other, please write in below.

Other: _____

Assuming there was a budget or allowance to pay for individual staff, how many staff do you feel you would need to perform your job most effectively?

- ☐ 0

- ☐ 0.5 FTE (Full-Time Equivalent, 20 hours/week)
- ☐ 1 FTE (40 hours/week)
- ☐ 1.5 FTE
- ☐ 2 FTE

If Legislators were able to have individual staff on a part-time basis would there be advantages to possibly sharing a staff member with another Legislator?

What concerns do you have about sharing part-time staff?

Should Senators receive more staff than Representatives because they serve more constituents?

- ☐ Yes
- ☐ No

Please explain your response.

What is the best legal approach to authorize individual district staff for legislators? Check all that apply.

- Statutory authority
- Appropriation in the Feed Bill only
- Legislative Council Policy
- Other (please indicate below)

Other: _____

This section of the survey will ask about the time you spend on different Legislative tasks and about the current length of the Legislative Session (Article IV, Section 5 of the [New Mexico Constitution](#), pages 24-25). There are approximately 13 main questions in this section.

How many committees do you serve on?

Please enter a value into each of the boxes below.

	Role		
	Chair/Co-Chair	Member	Advisory
Interim Committees			
Standing Committees			

There are “wild card days” and specific committees that allow Legislators to attend interim meetings for committees they do not sit on. Did you attend any of those meetings in 2021?

- ☐ Yes
- ☐ No

If yes, how many? _____

Approximately how many days do you do Legislative work annually without claiming per diem?

- ☐ 0
- ☐ 1-9
- ☐ 10-19
- ☐ 20-29
- ☐ 30 or more days

Display This Question if previous response is greater than 0

On the days when you are acting in your duties as a Legislator, but are unable to claim per diem, what tasks are you performing? Please rank them in order of frequency, with the most frequent task at the top and the least frequent task at the bottom.

Drag and drop the text to move it into the correct place. You will have room to write comments below.

- _____ Administrative Work (Writing/Reading Emails, Scheduling Meetings)
- _____ Attending Interim Committee Hearings
- _____ Attending/Participating in Public Community Events
- _____ Collaborating with Colleagues
- _____ Collaborating with District Constituents, Organizations, and Businesses
- _____ Conducting Research and/or Analysis for Potential Legislation
- _____ Gathering Constituent Views during Events such as Town Halls
- _____ Responding to Constituent Concerns
- _____ Staying Informed about Current Events & Issues Impacting the District and/or State
- _____ Writing Legislation

Please comment on the Legislative duties listed above. Do any additional duties need to be included on the list? Should any be removed? Why?

Article IV, Section 5 of the New Mexico Constitution sets the time, length, and scope of the Legislative session. The full text is found [here](#) on pages 24 and 25.

Should the limitation on scope of session to budget matters and the call of the Governor in even-numbered years of the biennium be eliminated or changed?

- ☐ Yes
- ☐ No
- ☐ Possibly

Please explain your answer about the limitation on scope of sessions during even-numbered years.

Legislatures set session length using calendar or legislative days. Calendar day is the actual consecutive calendar days. Legislative day means a period of time during which a legislature is in session that commences with the opening of a daily session and ends with adjournment and that may last more than one calendar day.

Currently, New Mexico uses calendar days and meets for 60 days during odd-numbered years and 30 days for even numbered years.

Given the current session structure, do you feel you have enough time in your role as a Legislator to review, research, analyze, and draft bills or amendments, listen to and consider public input in detail and in depth, debate the impact of legislation with your colleagues (Caucus and Minority Party) during Committee Hearings, and on the floor and vote on Legislation?

- ☐ Yes
- ☐ Sometimes
- ☐ No

Should session length be the same number of days for even and odd years?

- ☐ Yes
- ☐ Maybe
- ☐ No

In your opinion, what would be the most effective session length given the tasks and responsibilities of the Legislature?

- ☐ It is effective as it is. (30-60) (1)
- ☐ 45-45 (2)
- ☐ 45-60 (6)
- ☐ 60-60 (3)
- ☐ 60-90 (4)
- ☐ 90-90 (7)
- ☐ Other, indicated below.

Other session length: _____

In your response regarding session length, are you referring to calendar days or legislative days?

- ☐ Calendar
- ☐ Legislative

Would your opinion on session length change if you received a salary and benefits in addition to per diem and mileage?

- ☐ Yes
- ☐ Possibly
- ☐ No

Please explain your response.

Would your opinion change on session length if you had 0.5 to 2 FTE individual staff?

- ☐ Yes
- ☐ Possibly
- ☐ No

Please explain your response.

Ideally, in which month would the session start considering other factors such as the election cycle and the release of the state budget? Select up to three (3) choices.

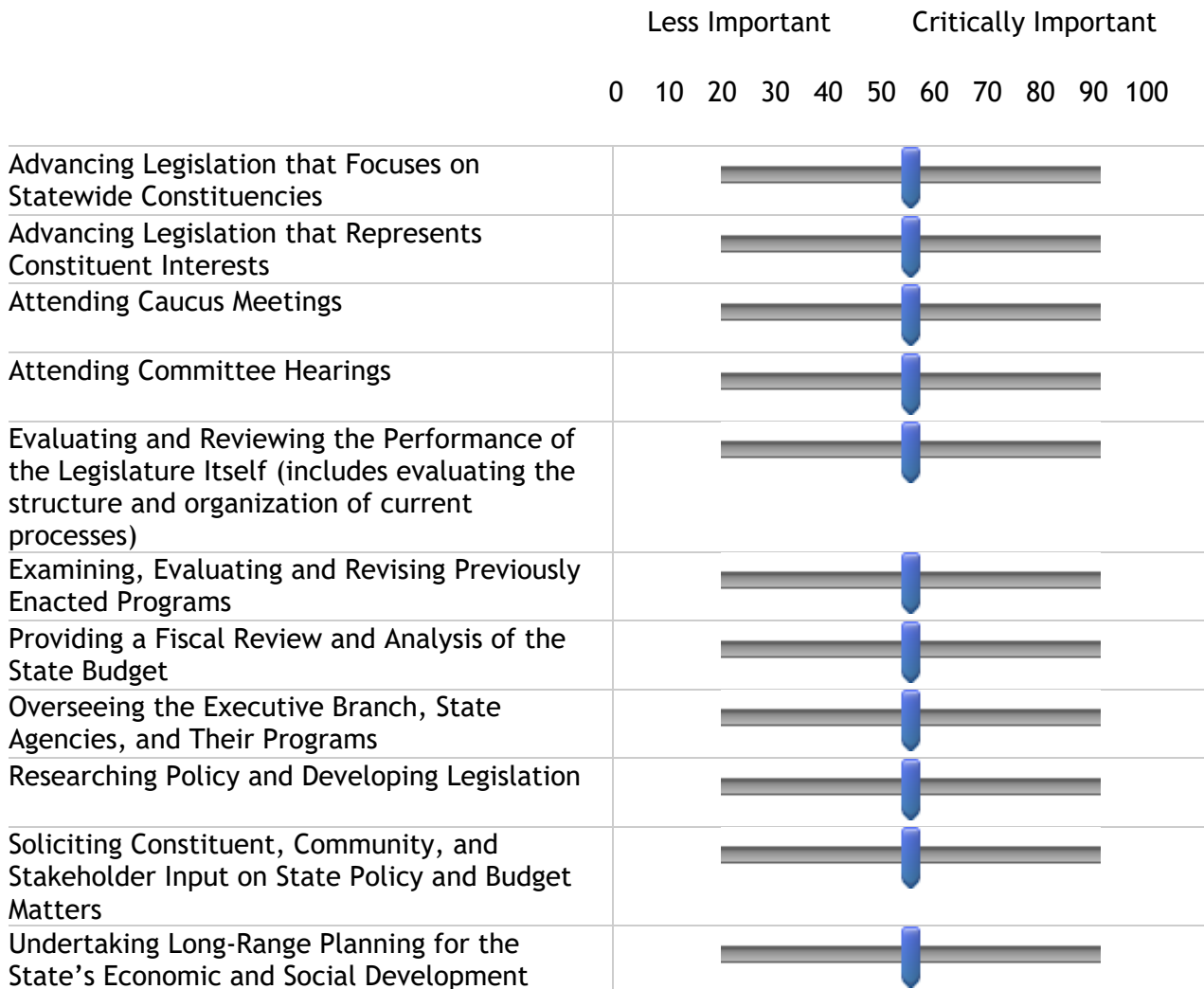
- January
- February
- March
- April
- May
- June
- July
- August
- September
- October
- November
- December

Please discuss your ability to effectively do meet the duties and responsibilities as a Legislator given both the current session length and the timing of the session.

Please use this space to add any additional comments you have about session scope and length.

This section of the survey will ask general questions about the role of the Legislature and about your personal experience within the Legislature.

The following is a list of potential duties and responsibilities of a Legislator and functions of the Legislature. Please use the slider to indicate how important you think each responsibility is, with 0 indicating it is not important and 100 indicating it is critically important.



If you were designing an interview based on the topics of this survey, what would you like to ask of your colleagues?

This section asks personal information to help classify your responses. The responses are mostly optional, but extremely helpful to the analysis and the follow-up interviews, so we encourage you to respond. There are 3 required questions in this section.

Please fill out the following information about yourself.

Legislative Branch

- ☐ House
- ☐ Senate

Party Affiliation _____

Gender Identification _____

Racial/Ethnic Identification _____

Age

- ☐ 21 to 29 years
- ☐ 30 to 39 years
- ☐ 40 to 49 years
- ☐ 50 to 59 years
- ☐ 60 to 69 years
- ☐ 70 to 79 years
- ☐ 80 years and over

Is there any other demographic information you wish to offer about yourself at this time? (Veteran/Military Status, Occupation, Education, Sexual Orientation, Generational Status, Retirement Status etc.).

BBER will be conducting individual interviews with Legislators in August and September. Would you be willing to be interviewed? If you are willing to be interviewed you will be asked to enter your contact information on a separate page, unlinked to your survey responses to maintain confidentiality. Please note that even if you respond “no” at this time, BBER may reach out to you personally for an interview, which you may of course decline.

- ☐ Yes
- ☐ No

Display This Question if “Yes” to a potential interview

Please click the following link to be redirected to a page where you can enter your contact information for a potential interview. This extra step keeps your personal information separate from your survey responses. Please do contact us if you have any questions or concerns. Thank you!

< [link to form](#) >

A.2. Legislator Interview Protocol

Opening

Introduce the project and its sponsors, discuss confidentiality of responses, obtain verbal consent to continue

Staffing

- What strengths & weaknesses do you see in the staffing structure as it stands?
- Describe how you've utilized the different staff offices in the past year.
- One model that has been proposed is to have regional/localized offices staffed by approximately 4 shared staffers. These staffers would have different skills and could be potentially available for 10 hours/week per Legislator, with each Legislator able to utilize 40 hours of work, but in different tasks/realms. What are your thoughts on a model such as this?
- Another model is that each Legislator be given a certain amount to spend annually on hiring one staff for up to 40 hours a week in total. There would need to be a new job description and title for this staff person to ensure they are paid equitably and meet the hiring criteria set out by the Legislature. What are your thoughts on a model such as this?
- What would you like to add to the discussion on individual or localized staffing?

Compensation

- Should New Mexican Legislators be paid a salary?
- Would a salary impact interim committees?
- Would a salary impact your ability to perform the duties & functions of being a Legislator?
- What barriers do you see to paying Legislators a salary?
- If a salary is implemented, how would you like to see the salary set?

Session Length & Scope

- Talk to me about the current session length.
 - Discuss split session
- How does the role of the Governor impact the work of the Legislature in even-year sessions?
- If you were paid a salary, would that affect your views on session length?
- Do you have thoughts on when the session currently starts?

Closing

Modernization is more than just compensating the legislature differently, but that is the focus of our study.

- Are there other topics related to modernization you would suggest for future studies?
- Is there anything else you'd like me to try to include in our report, knowing our limited scope?

A.3. Legislative Staff Survey

Statement of Consent

This survey is being conducted by the UNM Bureau of Business and Economic Research (UNM BBER) and is sponsored through this year's SB 1 with Junior Appropriation funds from Representatives Joy Garratt and Angelica Rubio.

The survey is designed to learn more about your role at the Legislature and to learn more about your thoughts on legislative modernization efforts.

You may be asked multiple choice, short answer, and other types of questions throughout the survey. Some responses are required but many are not. We would appreciate if you could fill out as much information as possible, realizing that this survey will take 15-25 minutes to complete in full.

Once you start the survey, you will have two weeks to respond, edit, and save your responses. You may take the survey in a web browser or on your phone, but you may need to enable pop-ups for the Qualtrics site. Please contact us directly if you have any difficulty in taking the survey.

Only UNM BBER will have access to your responses and all data will be written into the report in the aggregate. Your participation in this research is completely voluntary and confidential.

If you have any questions or concerns about the study, or if you would prefer an alternate survey method (paper or phone, for example), please reach out to the Lead Researcher, Rose Elizabeth Rohrer (rrohrer@unm.edu; 505.277.7068) or BBER's Director, Michael O'Donnell (mo8684@unm.edu).

Thank you for your participation!

☐ I have read the consent and agree to participate in this study.

☐ I do NOT agree to participate in this study.

This first set of questions will ask you for background on the work you do for the Legislature. Please fill out the information to the best of your ability, but if your responses will easily identify who you are, note you can skip certain identifying questions. Thank you.

Approximately how long have you been in your current position?

- ☐ less than a year
 - ☐ 1-3 years
 - ☐ 4-6 years
 - ☐ 7-9 years
 - ☐ 10 years or longer
-

Approximately how long have you worked for the Legislature?

- ☐ less than a year
 - ☐ 1-3 years
 - ☐ 4-6 years
 - ☐ 7-9 years
 - ☐ 10 years or longer
-

What is your job title?

Please list 3-5 tasks you do as a part of your regular job outside of the session.

Do the tasks you do on a regular basis change during the session?

- ☐ Yes
- ☐ No
- ☐ I'm not sure
-

If yes, please list 3-5 tasks you do as a part of your regular job during the session.

Do you have a job description?

- ☐ Yes
- ☐ No
- ☐ I'm not sure
-


Do you do tasks that are outside of your job description as a part of your job?

- ☐ Definitely yes
- ☐ Probably yes
- ☐ Might or might not
- ☐ Probably not
- ☐ Definitely not
-

What percent of time each month would you say you spend on activities that are outside of your job description?

Use the slider to indicate 0% if you spend no time working on tasks outside of your job description and up to 100% if you are completely working outside of your job description.

0 10 20 30 40 50 60 70 80 90 100

% of time spent on activities outside of job description	
--	--

What tasks do you take on each month that are outside of your job description?

Where do you currently conduct your work?

- ☐ On site in Santa Fe
- ☐ Offsite in a non-home setting
- ☐ Offsite in a home setting
- ☐ Part-time on site in Santa Fe, part-time offsite
- ☐ Other (please describe below)

Other place of work:

Do you receive benefits such as health insurance, retirement, life insurance, paid time off, etc?

- ☐ Yes
- ☐ No
- ☐ I'm not sure
- ☐ Some of the above

Use this space to comment about the benefits you do or do not receive.

Have you received training in any of the following topics?

	Yes	No	I'm Not Sure	Not Applicable for my Job
General Orientation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ethics and Campaigning	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Workplace Conduct	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Computer & Technical Topics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Office Management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Communications	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Writing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bill Tracking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Government Operations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please describe below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other Training(s):

Are there trainings (annual or single time) that would make your job more effective?

- ☐ Yes
- ☐ No
- ☐ I'm not sure
-

If yes, please describe any additional trainings that might make your job more effective.

How satisfied are you with your job?

- ☐ Extremely satisfied
- ☐ Somewhat satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Somewhat dissatisfied
- ☐ Extremely dissatisfied
-

Are you adequately compensated (salary and benefits) for the work you do?

- ☐ Definitely yes
- ☐ Likely yes
- ☐ Might or might not
- ☐ Likely not
- ☐ Definitely not

Please use this space to add any comments about your job duties and/or satisfaction with your work.

Do you work for building services?

- ☐ Yes
- ☐ No

This section asks personal information to help classify your responses. The responses are mostly optional, but extremely helpful to the analysis and the follow-up interviews, so we encourage you to respond.

Please fill out the following information about yourself.

Gender Identification

Racial/Ethnic Identification

Age

- ☐ 21 to 29 years
 - ☐ 30 to 39 years
 - ☐ 40 to 49 years
 - ☐ 50 to 59 years
 - ☐ 60 to 69 years
 - ☐ 70 to 79 years
 - ☐ 80 years and over
-

Education Level

- ☐ Less than High School
- ☐ High School Graduate/GED
- ☐ Some College, no Degree
- ☐ Associate's Degree
- ☐ Bachelor's Degree
- ☐ Some Graduate School
- ☐ Master's Degree
- ☐ Professional Degree
- ☐ Doctorate

Is there any other demographic information you wish to offer about yourself at this time? (Veteran/Military Status, Occupation, Sexual Orientation, Generational Status, Retirement Status etc.).

This set of questions will ask you for more specific information about your role in helping Legislators fulfill their responsibilities to the State of New Mexico.

Are you classified as permanent, year-round staff, temporary, session staff, or contract staff?

- ☐ Permanent, year-round
- ☐ Temporary, session
- ☐ Contract
- ☐ Other
-

Please describe your classification if not listed above.

Do you currently have adequate space to do your work satisfactorily?

- ☐ Yes
- ☐ No
-

If you do not have adequate space, please describe why not.

Do you think you could perform your work responsibilities at a remote location outside of the capitol building?

- ☐ Definitely not
- ☐ Probably not
- ☐ Might or might not
- ☐ Probably yes
- ☐ Definitely yes

If you were able to work remotely and chose to do so, what resources would you need access to in order to perform your job satisfactorily?

How much of your time would you say was spent on each of the following tasks in the past year?

	A large amount of my time	Some of my time	A little of my time	Almost none of my time	This task does not apply to my job
Scheduling meetings for yourself and colleagues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scheduling meetings for others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Office management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Constituent Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tracking or monitoring legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Managing or supervising other staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Writing newsletters, memos, and/or talking points	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Policy and Legislative Research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Drafting Legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please describe below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please list any tasks you performed in the past year that are not listed in the matrix above.

Are you allowed to work directly with legislators?

- ☐ Yes
- ☐ No
- ☐ I'm not sure

If you are allowed to work directly with legislators or legislative bodies, about what percent of your time in the past year has been spent doing that?

0 10 20 30 40 50 60 70 80 90 100

% of time spent working directly with legislators
in the past year



When you are working directly with legislators, what percent of the time would you say you spend working on requests for *individual legislators* versus requests for larger bodies such as a committee or caucus?

0 10 20 30 40 50 60 70 80 90 100

Percent of time spent working on requests for
individual legislators



When working directly with the different legislative entities, approximately how much of your time is spent completing work for each of the following:

	Most of my time	A large portion of my time	An average amount of time	Not very much of my time	Nearly none of my time
Interim Committees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Standing Committees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Caucuses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chamber (House)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chamber (Senate)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Leadership	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other Entity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Do you think legislators take full advantage of the services you can provide them?

- ☐ Definitely not
 - ☐ Probably not
 - ☐ Might or might not
 - ☐ Probably yes
 - ☐ Definitely yes
-

Of the services you provide to legislators, are there any that could be clarified or better promoted so legislators take fuller advantage of them?

Do you think legislators understand what your job is and how your work helps them do their job as legislators?

- ☐ Definitely not
 - ☐ Likely not
 - ☐ Might or might not
 - ☐ Likely yes
 - ☐ Definitely yes
-

Do you feel your work is respected by legislators?

- ☐ Definitely not
 - ☐ Likely not
 - ☐ Might or might not be respected
 - ☐ Likely yes
 - ☐ Definitely yes
-

Do you feel the work you do assists the legislature as a separate and co-equal branch of government?

- ☐ Definitely not
 - ☐ Likely not
 - ☐ Might or might not
 - ☐ Likely yes
 - ☐ Definitely yes
-

Please use this space to add any comments about your role in helping Legislators fulfill their responsibilities to the State of New Mexico.

A.4. Legislative Staff Interview Protocol

Opening

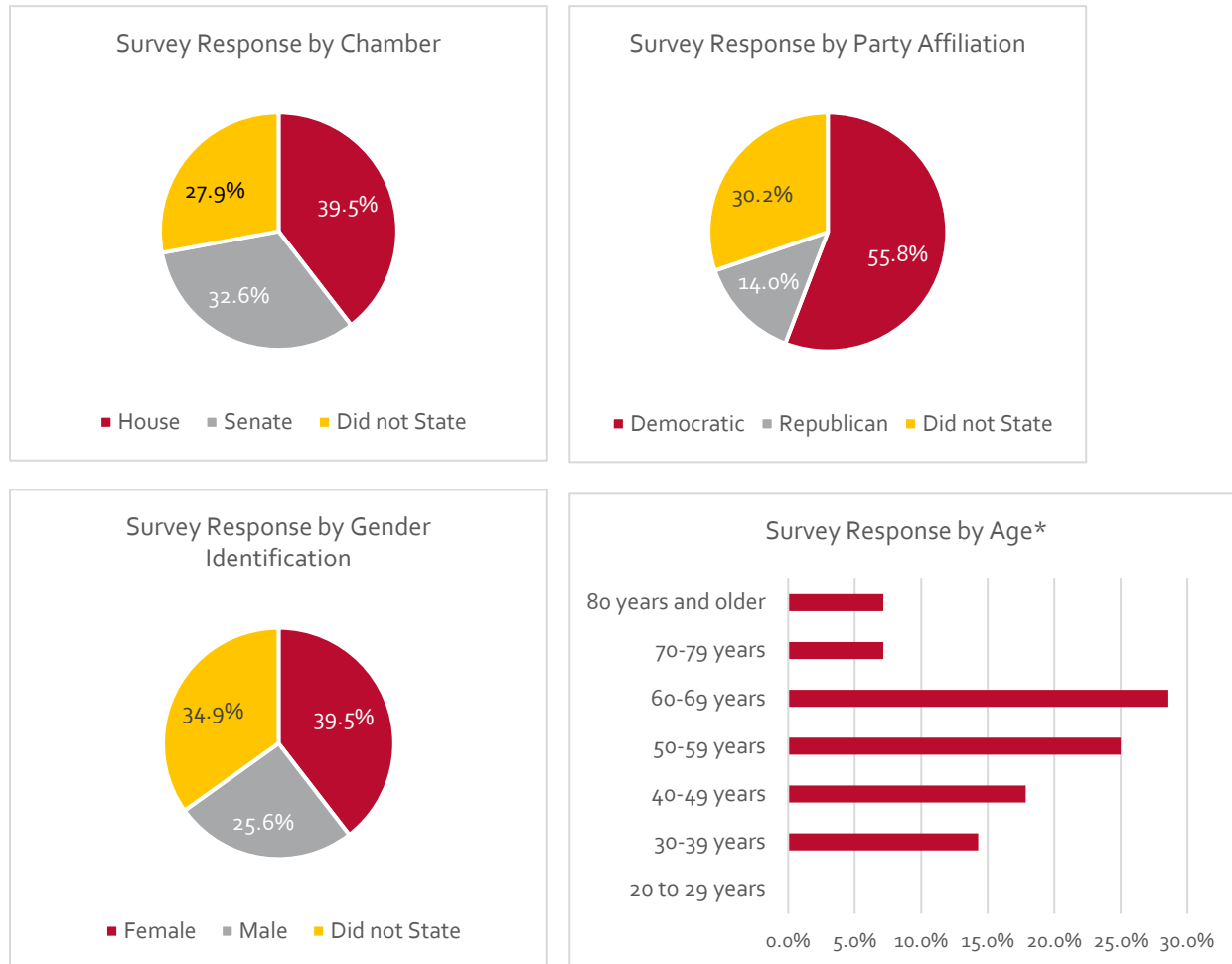
Note to self: Introduce the project and its sponsors, discuss confidentiality of responses, obtain verbal consent to continue

Interview

1. How many staff are in your agency?
 - a. Full-time? (year-round/nonseasonal)
 - b. Part-time? (session/seasonal)
 - c. Contract?
2. What process is used to hire different staff? What role do legislative leadership or individual legislators currently play in staff hires?
3. Is there a classification and salary system I can access? Benefits, compensation, time off? Training and continuing education opportunities?
4. Do you have any job descriptions for staff that I may have?
5. Where do staff currently conduct their work? What practices/policies were in place for remote work during the pandemic?
6. What do you see as the most valuable duties and responsibilities for nonseasonal/year-round individual legislative staff?
7. Are there specific policies in place to ensure staff do not engage in electioneering or campaign work on behalf of any member?
8. If the staffing should be expanded and/or restructured to include things like assigned individual staff for Legislators...
 - a. How would that potentially impact the services your agency provides to the Legislature?
 - b. What role do you see for individual legislative staff during a session?
 - c. What advantages do you see in restructuring?
 - d. What barriers might there be to restructuring (besides cost)?
 - e. Where would be the best location for individual legislative staff to conduct their work?
 - f. Which legislative agency or branch would you recommend be responsible for hiring and managing nonseasonal/year-round individual legislative staff?
9. What additional thoughts do you have about restructuring?
10. When BBER distributes a survey to "all staff" about these issues, who do you feel should be included/excluded? Why?
11. Is there anyone else you suggest I be in touch with?

12. If you were able to add a question to the BBER survey of the Legislators on staffing, what would you ask?
13. Do you have any questions for me?

Appendix B: Legislator Survey and Interview Response Rates



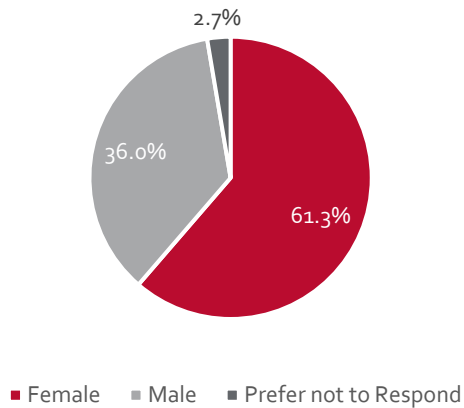
*34.9% of survey respondents did not indicate their age.

BBER Interview Sample vs. 2022 Legislative Composition

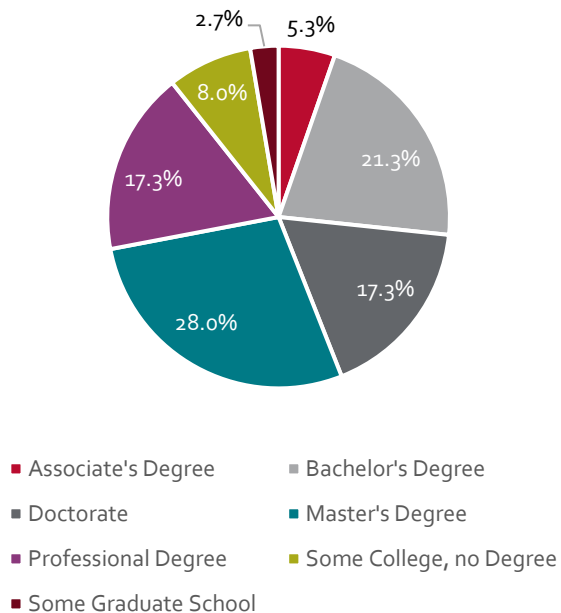
	House	Senate	Democrat	Republican	Declined to State	Female	Male
Percent in 2022 Legislature	62.5%	37.5%	63.4%	34.8%	1.8%	42.0%	58.0%
Percent of BBER Interview Sample	58.3%	41.7%	75.0%	20.8%	4.2%	62.5%	37.5%

Appendix C: Staff Survey Response Rates

Survey Response by Gender Identification



Survey Response by Level of Education



Percent of Respondents by Employment Classification, n = 73

Contract	2.7%
Permanent, year-round	71.2%

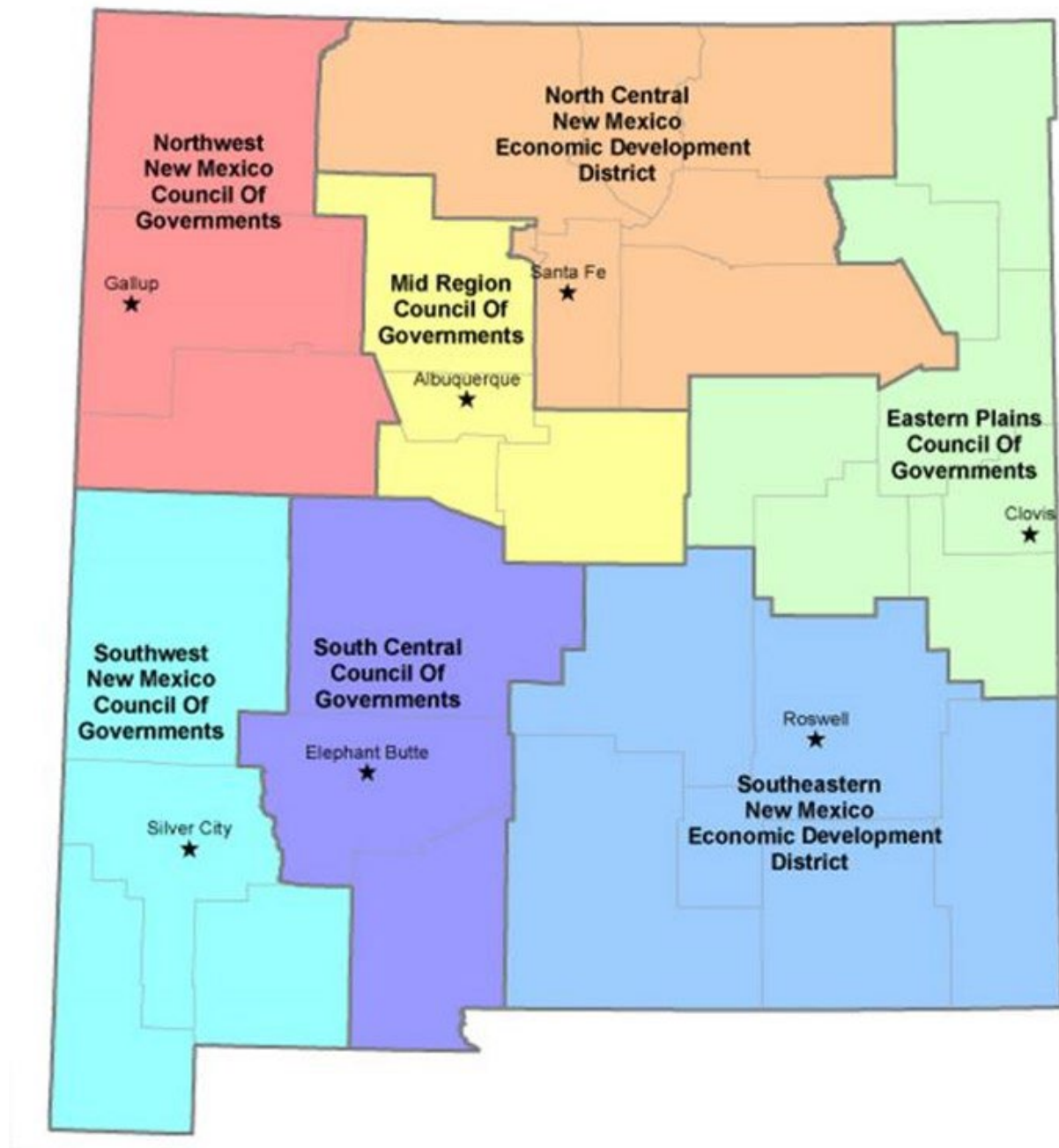
Temporary, session	26.0%
-----------------------	-------

Percent of Respondents by Length of Employment in the Legislature and in their Current Position		
	Worked for the Legislature	Worked in Current Position
Less than a year	12.2%	28.0%
1-3 years	24.4%	24.4%
4-6 years	22.0%	18.3%
7-9 years	14.6%	13.4%
10 years or longer	26.8%	15.9%

Percent of Respondents Working for Building Services, n = 82	
Works for Building Services	3.7%
Does Not Work for Building Services	96.3%

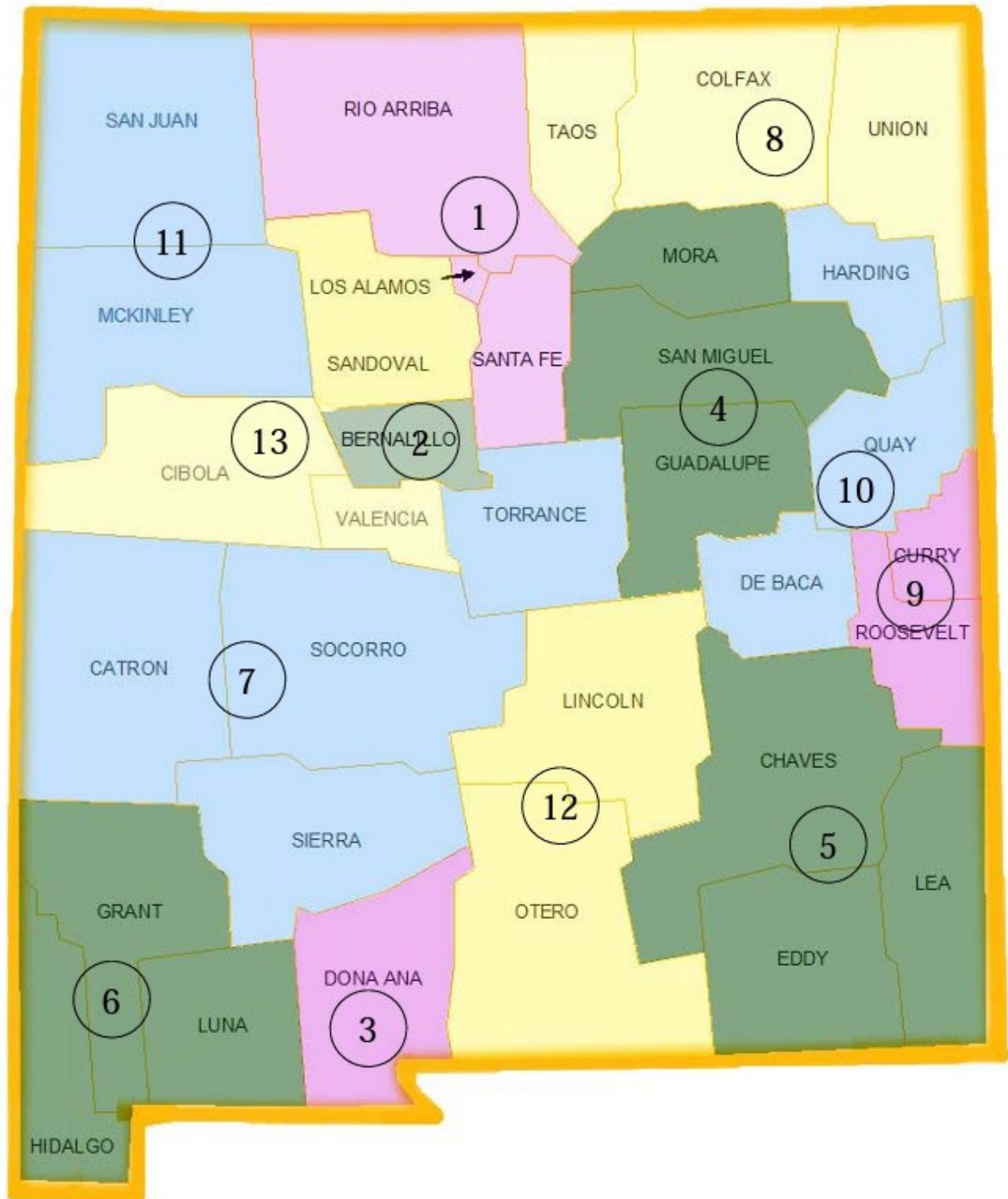
Appendix D: Survey and Interview Additional Comments and Visualizations

D.1. Geographic configurations used in our staff calculations



Map credit to

<https://www.nmlegis.gov/handouts/ERDT%20081318%20Item%208%202018%20SJM2%20Frontier%20Challenges%20Workgroup%20presentation.pdf>



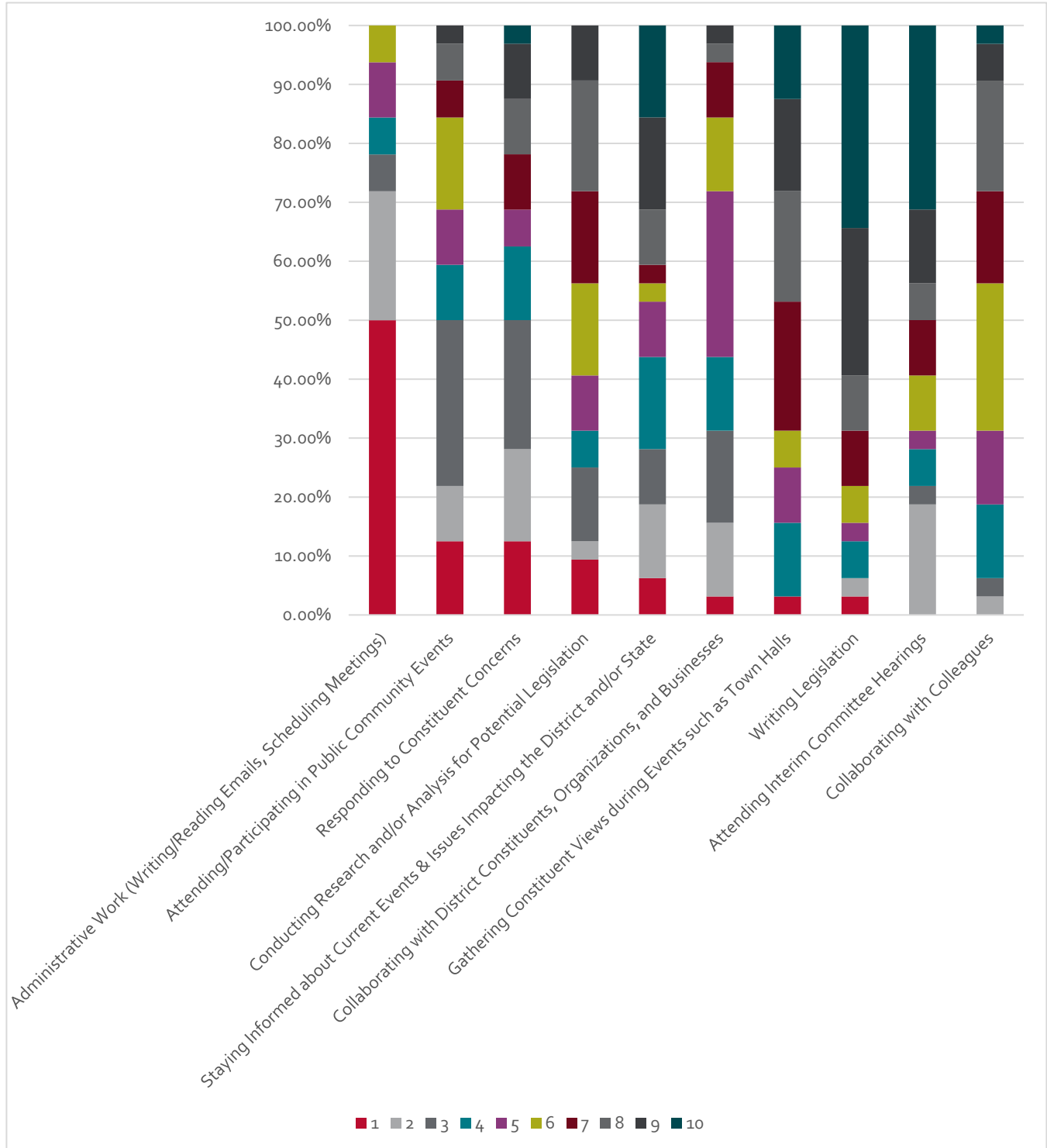
Map credit to https://www.nmlegis.gov/publications/handbook/judicial_districts_map.pdf

The following figures represent legislator responses to the question, “On the days when you are acting in your duties as a Legislator, but are unable to claim per diem, what tasks are you performing?” We asked legislators to rank each of the 10 items according to the frequency of the task. We include these alternative visuals to the rank order table shown in Table 15, Section 5.2 of this report as the different formats may be easier to read for different individuals.

The chart displays the percentage of time council members spend on various activities over a 10-day period. The Y-axis represents the percentage, ranging from 0.00% to 60.00% in 20.00% increments. The X-axis represents the days, numbered 1 through 10. The activities are represented by different colored lines:

- Administrative Work (Writing/Reading Emails, Scheduling Meetings): Red line, starts at approximately 50% on Day 1, drops to 0% by Day 7, and remains at 0% through Day 10.
- Attending/Participating in Public Community Events: Light gray line, starts at approximately 12% on Day 1, peaks at approximately 28% on Day 3, and ends at approximately 35% on Day 10.
- Responding to Constituent Concerns: Dark gray line, starts at approximately 12% on Day 1, drops to 0% on Day 3, and ends at approximately 32% on Day 10.
- Conducting Research and/or Analysis for Potential Legislation: Teal line, starts at approximately 10% on Day 1, drops to 0% on Day 3, and ends at approximately 3% on Day 10.
- Staying Informed about Current Events & Issues Impacting the District and/or State: Purple line, starts at approximately 7% on Day 1, peaks at approximately 16% on Day 4, and ends at approximately 16% on Day 10.
- Collaborating with District Constituents, Organizations, and Businesses: Yellow-green line, starts at approximately 3% on Day 1, peaks at approximately 28% on Day 5, and ends at 0% on Day 10.
- Gathering Constituent Views during Events such as Town Halls: Dark red line, starts at approximately 3% on Day 1, peaks at approximately 22% on Day 7, and ends at approximately 13% on Day 10.
- Writing Legislation: Dark gray line, starts at approximately 12% on Day 1, drops to 0% on Day 3, and ends at approximately 3% on Day 10.
- Attending Interim Committee Hearings: Black line, starts at approximately 12% on Day 1, peaks at approximately 19% on Day 2, and ends at approximately 3% on Day 10.
- Collaborating with Colleagues: Dark teal line, starts at approximately 12% on Day 1, drops to 0% on Day 3, and ends at approximately 3% on Day 10.

This second figure shows the same responses to the same question but instead uses color-coding to illustrate the percent of respondents ranking each category 1-10. In the first bar, we see administrative work ranked as the number one task for 50% of respondents, ranked number two for just under 25% of respondents, and so on.



D.3. A Brief Review of the Survey and Interview Data on the Interim

Although the original intentions of this study did not include providing data on the interim, concerns about the interim arose in the majority of our interviews, formal and informal, with staff and legislators. The following section is a brief review of the data we gathered indirectly when asking about our main topics of staffing, compensation, and session length.

The interim arose as a concern when interviewees discussed changes to the current legislative staffing structure. Individuals who participated in our research reported that interim committee staff did not have enough time to work on policy research when coordinating meetings as well. It should be noted that many of the comments came from legislators, though some were reported in the staff survey as well.

Staffing During the Interim
"I would increase the amount of staff on the interim committees and have these staff members work year round for interim committees and serve during the regular session. In short, all committees should have year-round assigned dedicated staff."
"The Interim Staff, especially the analysts need more support or less committees to work with. I would have the Analyst do core prep research."
"Interim committee staff should be committee staff, not just bill drafters working to plan events."
"For interim committee staff, we need to hire staff that will work on logistics and the details of meetings, to allow legislative council staff to do what they were hired to do, which is, research and write and draft policy--not be interim committee planners."
"Interim staff is overwhelmed with interim committee planning, so not available to individual legislators, either."

Respondents also expressed concern about interim attendance. In our informal conversations prior to the formal interviews with legislators, so many individuals mentioned the interim that we incorporated an open-ended question to their interviews about how the interim might change should there be structural changes to the legislature. The following data come from both the legislator surveys and the interviews.

"I thought we would work on solving issues together and we could put forth bipartisan bills [through work in the interim], but I was totally naïve. We know the problems but we can't solve them if we're not doing the work in the interim."

Legislators discussed interim attendance and how it may be affected by salaried compensation. There were questions about whether per diem and travel would be included in compensation, about requirements and expectations for the interim if the legislature should be salaried, and many comments about not needing to go into debt to attend meetings.

Interim Attendance and Compensation
"I would be able to attend more interim committee meetings because working my full schedule of work wouldn't be dependent on me being able to pay my bills."
"I would be able to attend every interim committee, I wouldn't be worried about going into the negative vacation balance with my employer."
"I miss many interim committee meetings during the spring/summer/fall because I have to report to my day job."
"I don't think a salary would increase [interim] attendance; there would still be members who need to maintain a regular, full-time job."
"You have a social contract now, but [if paid a salary] I think people should be required to go to interim committees."
"I'm not sold on the idea of forcing people to attend interim committees - I like the idea of being treated like adults...If we're not showing up, we don't have the information and voters should vote you out then. It's about your results, not your attendance."

Finally, legislators had comments about the interim in general. They reported wanting to improve the interim process beyond attendance alone, but because our research was not focused on the interim, we did not ask for solutions to the problems legislators saw beyond those they voluntarily offered, most of which focused on virtual attendance for both legislators and the public. More conversations need to be conducted to develop meaningful solutions for the concerns about the interim.

General Changes to the Interim
"The entire interim committee system needs major reform. There are too many committees that overlap, and all meetings should be on zoom and not webcast."
"The committees need to be focused versus listening to endless presentations and at the end there is no action plan; what a waste of time."
"We must improve the entire interim process, which is incumbent upon us! [For example], we have too big an agenda for one day. All the issues are important, timely, and valid, but you have no time for a meaningful Q&A or discussion."
"We had a lot more participation in the interim when we had virtual meetings, both with the legislators and the public."
"It's ridiculous to have to go back to pre-pandemic scenarios of meeting in person - more people can participate when we have virtual options available."

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