

## **Opinion No. 65-35**

February 24, 1965

**BY:** OPINION OF BOSTON E. WITT, Attorney General Oliver E. Payne, Deputy Attorney General

**TO:** Mr. Albert Romero, Chief Clerk, House of Representatives State Capitol, Santa Fe, New Mexico

### **QUESTION**

#### QUESTION

When a bill has been considered by the House of Representatives and has been defeated, may an identical or very similar bill subsequently be introduced in the House of Representatives and be considered?

#### CONCLUSION

At present, yes.

### **OPINION**

#### {\*60} ANALYSIS

Any limitation on legislators in the introduction and consideration of legislation must be found in the constitution, in the statutes, or in the rules of the particular house of the legislature.

We have examined the constitution and the statutes of this State and we find nothing which prohibits the practice about which you inquire. Further, we find no rule of the House of Representatives which deals with this question.

However, Rule 102 of the House of Representatives provides as follows:

"These rules may be amended at any time upon recommendation of the committee on rules and order of business by a majority vote of the members of the house, and at all times upon a two-thirds vote of all members of the house. House rule changes will not be in effect until the following legislative day unless otherwise ordered by a two-thirds vote of the members present."

Accordingly, the rules of the House of Representatives may be amended at any time if the necessary vote is obtained. Should the House of Representatives desire to prohibit the practice about which you inquire, it has full authority to do so by rule.