



**MINUTES  
of the  
FOUR-HUNDRED-FIRST MEETING  
of the  
LEGISLATIVE COUNCIL**

**May 3, 2021  
Video Conference Meeting**

The four-hundred-first meeting of the Legislative Council was called to order by Representative Brian Egolf, co-chair, at 1:30 p.m. on Monday, May 3, 2021, by video conference via an online platform.

**Present**

Rep. Brian Egolf, Co-Chair  
Sen. Mimi Stewart, Co-Chair  
Sen. Gregory A. Baca  
Sen. Craig W. Brandt  
Rep. Rebecca Dow  
Sen. Katy M. Duhigg  
Rep. Daymon Ely  
Rep. Doreen Y. Gallegos  
Sen. Linda M. Lopez  
Rep. Patricia A. Lundstrom  
Rep. Rod Montoya  
Sen. George K. Munoz  
Sen. Steven P. Neville  
Rep. Sheryl Williams Stapleton  
Rep. James G. Townsend  
Sen. Peter Wirth

**Absent**

**Special Advisory Members Present**

Rep. Eliseo Lee Alcon  
Sen. Pete Campos  
Rep. Christine Chandler  
Rep. Gail Chasey  
Sen. Ron Griggs  
Rep. Dayan Hochman-Vigil  
Sen. Stuart Ingle  
Rep. Georgene Louis  
Rep. Antonio Maestas  
Sen. Michael Padilla  
Rep. Patricia Roybal Caballero  
Sen. Antoinette Sedillo Lopez

**Special Advisory Members Absent**

Sen. Mark Moores  
Rep. Andrea Romero  
Rep. Debra M. Sariñana

Sen. Benny Shendo, Jr.  
Rep. Candie G. Sweetser  
Rep. Christine Trujillo  
Sen. Pat Woods

**Staff**

Raúl E. Burciaga, Director, Legislative Council Service (LCS)  
Amy Chavez-Romero, Assistant Director for Drafting Services, LCS  
Jon Boller, Senior Staff Attorney, LCS  
Anesa Serna-Espinoza, LCS  
Jeret Fleetwood, Researcher, LCS  
Erin Bond, Research Assistant, LCS  
Nancy Martinez, Research Assistant, LCS  
Sara Wiedmaier, Research Assistant, LCS

**Approval of Minutes**

On a motion made, seconded and passed, the minutes of the December 14, 2020, January 6, 2021 and January 18, 2021 meetings of the Legislative Council were approved as submitted.

**Budget Approval**

Mr. Burciaga explained that although the budgets for the LCS, chief clerks' offices and leadership offices are identical to the amounts appropriated in House Bill 1, House Bill 2 and Senate Bill 377, the Department of Finance and Administration (DFA) requires that they be submitted each year.

In response to a question, Mr. Burciaga explained that the legislation authorizing one-time payments to legislative staff as passed by the legislature and signed by the governor would not be effective until June 18. He noted that while he had been contacted by both the Office of the State Auditor and the DFA about the possibility of those payments violating the state constitution or constituting an audit exception, he planned on issuing the payments once the law went into effect. Several members of the council raised concerns regarding agencies or individuals interfering with a duly enacted and signed law.

On a motion made, seconded and passed, the council authorized submission of the LCS, chief clerks' offices and leadership offices budgets to the DFA.

**Appointment of Interim Committees**

The following appointments to interim committees were announced:

Statutory Committees:

Legislative Council: Representative Egolf and Senator Stewart will serve as co-chairs. Other voting members are Representatives Dow, Ely, Gallegos, Lundstrom, Rod Montoya,

Stapleton and Townsend and Senators Baca, Brandt, Duhigg, Lopez, Munoz, Neville and Wirth. Special advisory members are Representatives Alcon, Chandler, Chasey, Hochman-Vigil, Louis, Maestas, Andrea Romero, Roybal Caballero, Sariñana, Sweetser and Trujillo and Senators Campos, Griggs, Ingle, Moores, Padilla, Sedillo Lopez, Shendo and Woods.

Legislative Education Study Committee: Senator William P. Soules will serve as chair, and Representative G. Andrés Romero will serve as vice chair. Other voting members are Representatives Alonzo Baldonado, T. Ryan Lane, Derrick J. Lente, Stapleton and Trujillo and Senators Gay G. Kernan, Harold Pope and Stewart. Advisory members are Representatives Dow, Kelly K. Fajardo, Joanne J. Ferrary, Natalie Figueroa, Joy Garratt, Susan K. Herrera, D. Wonda Johnson, Raymundo Lara, Tara L. Lujan, Willie D. Madrid, Roger E. Montoya, Roybal Caballero, Sariñana and Elizabeth "Liz" Thomson and Senators Brandt, David M. Gallegos, Carrie Hamblen, Siah Correa Hemphill, Lopez, Padilla, Shannon D. Pinto and Joshua A. Sanchez.

Legislative Finance Committee: Representative Lundstrom will serve as chair, and Senator Munoz will serve as vice chair. Other voting members are Representatives Gail Armstrong, Jack Chatfield, Randal S. Crowder, Harry Garcia, Hochman-Vigil, Javier Martínez, Nathan P. Small and Sweetser and Senators Campos, Roberto "Bobby" J. Gonzales, Hemphill, Kernan, Neville, Nancy Rodriguez and Woods. Designees are Representatives Alcon, Phelps Anderson, Cathrynn N. Brown, Ambrose Castellano, Chandler, Meredith A. Dixon, Dow, Candy Spence Ezzell, Fajardo, Gallegos, Herrera, Lane, Lara, Lente, Lujan, Maestas, Rod Montoya, Roger E. Montoya, Jane E. Powdrell-Culbert, G. Andrés Romero and Sariñana and Senators Brandt, William F. Burt, Jacob R. Candelaria, Crystal R. Diamond, Gallegos, Griggs, Martin Hickey, Lopez, Pope, William E. Sharer, Shendo, Jeff Steinborn, Stewart, Bill Tallman and Wirth.

Capitol Buildings Planning Commission: Representative Egolf and Senator Stewart will serve as co-chairs. Other legislative voting members are Representative Rod Montoya and Senator Baca. Other voting members are Tim Eichenberg, state treasurer; Stephanie Garcia Richard, commissioner of public lands; Debra Garcia y Griego, secretary, Cultural Affairs Department; Ken Ortiz, secretary, General Services Department; Debbie Romero, secretary, Department of Finance and Administration; Michael Sandoval, secretary, Department of Transportation; and Michael Vigil, chief justice, New Mexico Supreme Court.

Interim Legislative Ethics Committee: Representative Ely and Senator Lopez will serve as co-chairs. Other voting members are Representatives Gail Armstrong, Brown, Ferrary, Lane, Martínez, Greg Nibert and Sariñana and Senators Baca, Brandt, Joseph Cervantes, Diamond, Sharer, Stewart and Wirth.

Legislative Health and Human Services Committee: Representative Trujillo will serve as chair, and Senator Gerald Ortiz y Pino will serve as vice chair. Other voting members are Representatives Gail Armstrong, Ferrary and Thomson and Senators Gallegos, Hickey and

Sedillo Lopez. Advisory members are Representatives Anderson, Deborah A. Armstrong, Brittney Barreras, Micaela Lara Cadena, Chasey, Dow, Fajardo, Miguel P. Garcia, Johnson, Lujan, Marian Matthews, Roger E. Montoya and Roybal Caballero and Senators Duhigg, Hemphill, Lopez, Bill B. O'Neill, Pinto, Rodriguez, Gregg Schmedes, Elizabeth "Liz" Stefanics and Tallman.

Military and Veterans' Affairs Committee: Representative Harry Garcia and Senator Pope will serve as co-chairs. Other voting members are Representatives Alcon, Sariñana and Luis M. Terrazas and Senators Brandt, Brenda G. McKenna and Pinto. Advisory members are Representatives Rachel A. Black, Crowder, Dixon, Johnson, Stefani Lord, Randall T. Pettigrew and G. Andrés Romero and Senators Burt and Padilla.

Mortgage Finance Authority Act Oversight Committee: Representative Alcon will serve as chair, and Senator Rodriguez will serve as vice chair. Other voting members are Representatives Baldonado, Rod Montoya and Andrea Romero and Senators Ingle, Leo Jaramillo and Padilla. Advisory members are Representatives Chandler, Fajardo, Herrera, Johnson, Louis, Lujan, Roybal Caballero, Linda Serrato and Stapleton and Senators Baca, Gonzales, Moores and Ortiz y Pino.

New Mexico Finance Authority Oversight Committee: Representative Thomson will serve as chair, and Senator Candelaria will serve as vice chair. Other voting members are Representatives Castellano, Chatfield, Harry Garcia, Joshua Hernandez, Herrera, Johnson, Lane, Lara, Martínez, Roybal Caballero and Serrato and Senators Cervantes, Gallegos, Griggs, Hemphill, Ingle, Padilla and Rodriguez. Advisory members are Representatives Baldonado, Chandler, Dixon, Dow, Fajardo, Figueroa, Garratt, Louis, Lujan, Madrid, Matthews, Kristina Ortez, Stapleton and Sweetser and Senators Jaramillo, Pinto and Stewart.

Public School Capital Outlay Oversight Task Force: Representative G. Andrés Romero will serve as chair, and Senator Soules will serve as vice chair. Other legislative voting members are Representatives Alcon, Chatfield, Egolf, Lundstrom and Pettigrew and Senators Ingle, Munoz, Pinto, Sanchez, Shendo and Stewart. Public members are Paul Aguilar, deputy secretary, Public Education Department; Carl Foster; Reinaldo Garcia; Kirk Hartom; T.J. Parks; Mike Phipps; Secretary Rodriguez, DFA; and Stan Rounds. Advisory members are Senators Jaramillo and Cliff R. Pirtle, and Representative Herrera will serve as designee for Representative Egolf.

Radioactive and Hazardous Materials Committee: Senator Steinborn will serve as chair, and Representative Chandler will serve as vice chair. Other voting members are Representatives Alcon, Brown, Ferrary, Lord and Sariñana and Senators Gallegos, Kernan, McKenna, Pinto and Rodriguez. Advisory members are Representative Townsend and Senators Griggs, Pope, Sanchez and Schmedes.

Revenue Stabilization and Tax Policy Committee: Senator Shendo will serve as chair, and Representative Martínez will serve as vice chair. Other voting members are Representatives Cadena, Chandler, Gallegos, Harper, Herrera, Maestas, Larry R. Scott and James R.J. Strickler and Senators Brandt, Burt, Campos, Griggs, Munoz, Pope, Stefanics and Wirth. Designees are Representatives Dow, Hernandez, Lujan, Matthews, Rod Montoya, Ortez, Serrato and Terrazas and Senators Duhigg, Ortiz y Pino, Pinto, Sharer, Stewart and Tallman.

Tobacco Settlement Revenue Oversight Committee: Representative Ferrary and Senator Hickey will serve as co-chairs. Other voting members are Representatives Terrazas and Thomson and Senators Lopez and Schmedes. Advisory members are Representative Chasey and Senator Pinto.

Commission on Uniform State Laws: Legislative members are Representatives Chandler and Nibert and Senators Baca and Cervantes.

Educational Commission of the States: Legislative members are Representative G. Andrés Romero and Senator Soules.

Council-Created Committees:

Courts, Corrections and Justice Committee: Representative Chasey and Senator Cervantes will serve as co-chairs. Other voting members are Representatives Alcon, Karen C. Bash, Zachary J. Cook, William "Bill" R. Rehm, Sariñana and Trujillo and Senators Candelaria, Moores, O'Neill, Pirtle and Sedillo Lopez. Advisory members are Representatives Deborah A. Armstrong, Baldonado, Cadena, Chandler, Fajardo, Gallegos, Lane, Louis, Maestas, Roger E. Montoya, Andrea Romero and Roybal Caballero and Senators Baca, Duhigg, Lopez, Stewart and Wirth.

Economic Development and Policy Committee: Senator Hamblen will serve as chair, and Representative Maestas will serve as vice chair. Other voting members are Representatives Dixon, Fajardo, Hernandez, Lara, Louis, Lujan, Madrid, Ortez, Roybal Caballero and Serrato and Senators Griggs, Jaramillo, Padilla, Shendo and Woods. Advisory members are Representatives Alcon, Anthony Allison, Gail Armstrong, Baldonado, Cadena, Castellano, Chandler, Dow, Gallegos, Garratt, Herrera, Lente, Lundstrom, Matthews, Matthew McQueen, Rod Montoya, Powdrell-Culbert, Rehm, Angelica Rubio, Small, Melanie A. Stansbury, Sweetser and Terrazas and Senators Candelaria, Diamond, Duhigg, Hemphill, Pirtle, Sanchez, Stefanics and Tallman.

Indian Affairs Committee: Representative Louis and Senator Pinto will serve as co-chairs. Other voting members are Representatives Alcon, Allison, Barreras, Cook, Fajardo, Johnson, Lente and Martin R. Zamora and Senators Jaramillo, McKenna, Pirtle, Rodriguez, Sanchez, Sharer and Shendo. Advisory members are Representatives Chasey, Gallegos, Harry Garcia, Lundstrom, Roybal Caballero, Stansbury and Thomson and Senators Ingle, Lopez, Padilla and Soules.

Investments and Pensions Oversight Committee: Representative Roybal Caballero will serve as chair, and Senator Gonzales will serve as vice chair. Other voting members are Representatives Anderson, Chandler, Figueroa, Miguel P. Garcia, Rehm and Serrato and Senators Burt, Candelaria, Ingle, Sedillo Lopez and Stefanics. Advisory members are Representatives Black, Gallegos and Stapleton and Senators Neville, Padilla, Pinto and Stewart.

Land Grant Committee: Representative Miguel P. Garcia will serve as chair, and Senator Jaramillo will serve as vice chair. Other voting members are Representatives Black, McQueen and Trujillo and Senators O'Neill, Ortiz y Pino, Padilla, Pirtle and Sanchez. Advisory members are Representatives Alcon, Harry Garcia, Herrera and Johnson and Senators Gallegos, Lopez, Pinto and Stefanics.

Science, Technology and Telecommunications Committee: Representative Sariñana will serve as chair, and Senator Padilla will serve as vice chair. Other voting members are Representatives Garratt, Harper, Scott and Stansbury and Senators Burt, Moores, Pinto, Pope and Sharer. Advisory members are Representatives Alcon, Chandler, Chasey, Fajardo, Pettigrew, Powdrell-Culbert and Andrea Romero and Senators Brandt, Jaramillo, O'Neill, Rodriguez and Tallman.

Water and Natural Resources Committee: Senator Stefanics will serve as chair, and Representatives Lente and McQueen will serve as co-vice chairs. Other voting members are Representatives Gail Armstrong, Herrera, Lujan, Matthews, Ortez, Scott, Stansbury, Strickler, Sweetser and Zamora and Senators Campos, Cervantes, Gallegos, Ingle, Shendo, Steinborn and Woods. Advisory members are Representatives Chatfield, Dow, Ezzell, Lane, Lara, Rod Montoya, Roger E. Montoya, Nibert, Rehm, Andrea Romero, G. Andrés Romero, Roybal Caballero, Sariñana and Small and Senators Diamond, Griggs, Hamblen, Lopez, Ortiz y Pino, Pinto, Sanchez, Sedillo Lopez, Stewart and Wirth.

Capitol Security Subcommittee: Voting members are Representatives Gail Armstrong, Egolf, Fajardo and Gallegos and Senators Baca, Ingle, Daniel A. Ivey-Soto, Stewart and Wirth.

Rural Economic Opportunities Task Force: Senator Hemphill and Representative Sweetser will serve as co-chairs. Other voting members are Representatives Allison, Gail Armstrong, Black, Fajardo, Herrera, Madrid, Roger E. Montoya and Small and Senators Brandt, Diamond, Hamblen, Jaramillo, Padilla, Pinto, Sanchez and Stefanics. Advisory members are Representatives Castellano, Dow, Harry Garcia, Johnson, Lujan, Lundstrom, Maestas and Serrato and Senators Gallegos, McKenna and Stewart.

Transportation Infrastructure Revenue Subcommittee: Representative Rubio will serve as chair, and Senator Tallman will serve as vice chair. Other voting members are Representatives Allison, Harry Garcia, Garratt, Lundstrom, Madrid, Pettigrew and Powdrell-Culbert and Senators Gallegos, Gonzales, Griggs and Munoz. Advisory members are Representatives Castellano,

Chandler, Crowder, Dow, Herrera, Matthews, Rod Montoya, Sariñana and Serrato and Senators Brandt and Pinto.

In response to a question, Mr. Burciaga clarified that the Transportation Infrastructure Revenue Subcommittee is a subcommittee of the Legislative Council, which allows members of the council to serve as voting members, as voting members of the council are statutorily prohibited from serving as voting members on council-created committees.

On a motion made, seconded and passed, the council authorized creation of the council-created committees and subcommittees as appointed earlier in the meeting.

On a motion made, seconded and passed, the council authorized the speaker and president pro tempore to make any necessary changes to interim committee membership.

On a motion made, seconded and passed, the council authorized the payment of per diem and mileage, pursuant to the Per Diem and Mileage Act, to public members appointed to any statutory or public interim committees.

Representative Egolf announced that all LCS-staffed interim committees would hold virtual organizational meetings in May and June and in-person meetings from July through October. He also noted that all meetings would be webcast, unless prevented by technical problems, in which case those meetings would be recorded and archived on the legislature's website.

Mr. Burciaga explained that webcasting meetings outside of the State Capitol had begun as a pilot project in 2019 and that additional contract staff and equipment would likely be needed in order to webcast each interim committee meeting.

On a motion made, seconded and passed, the council authorized the use of interim expenses for the necessary purchase of equipment and for contracts with additional staff to webcast and record all interim committee meetings.

Representative Egolf raised the issue of the \$100,000 appropriated by SB 377 for the purpose of forming a task force to study a moratorium on private prison facilities in New Mexico, noting that legislation tied to the appropriation had failed. He and Senator Stewart recommended that the Courts, Corrections and Justice Committee and the Economic Development and Policy Committee consider adding the issue to their respective work plans.

In response to a question, Representative Egolf explained that overlaying Zoom on top of remote webcasting of off-site interim committee meetings presented too many technological challenges at the moment, adding that while staff was looking at the issue, meetings inside of the State Capitol could still feature both Zoom and webcasting components.

In response to a question, Mr. Burciaga explained the process used to reopen the State Capitol to the public, including completion of additional security features on the brass doors inside the main entrances to the building.

On a motion made, seconded and passed, the council authorized per diem payment for virtual attendance at interim committee meetings in May and June.

### **Capital Outlay Allocation Information**

Mr. Burciaga explained that, pursuant to House Bill 55 as passed during the 2021 regular session, the LCS had begun publishing a searchable list of capital outlay projects and the allocations made by individual legislators to each project. He explained that, in keeping with the spirit of the bill, the LCS could also expand the list to allow users to sort allocations by legislators.

On a motion made, seconded and passed, the council directed the LCS to make the list of capital outlay project allocations sortable by legislator.

### **Citizen Redistricting Committee**

Mr. Burciaga explained that Senate Bill 304, as passed during the 2021 regular legislative session, created the Citizen Redistricting Committee. He noted that four members of the committee are to be appointed by the legislature (one each by the speaker, president pro tempore, house minority floor leader and senate minority floor leader), with three other members appointed by the State Ethics Commission, one of whom must be a retired justice of the supreme court or retired judge from the court of appeals. Mr. Burciaga said that the State Ethics Commission had indicated that it would announce its appointments at its June 4 meeting, noting that it might be helpful for the legislative appointments to be named soon in order to allow the committee to have some kind of organizational meetings later in June. He pointed out that the committee was responsible for hiring its own staff but that it could rely on Research & Polling, Inc. for technical assistance and map drawing. Mr. Burciaga also noted that \$400,000 had been appropriated during the regular session for the committee to carry out its duties and that census data was not expected to be available until mid- to late August.

In response to a question, Representative Egolf said that the special session for redistricting was expected to begin in early December, but he was unsure how long it might last.

In response to a question, Representative Egolf explained that the committee is responsible for producing three maps for each state office: house of representatives, senate, United States Congress and Public Education Commission, which would be received by the legislature in the same fashion as legislation endorsed by an interim committee. Representative Egolf and other members of the council pointed out that the legislature is free to modify those maps and that any member of the legislature can introduce maps of their own.



**Staff Reports**

Some members of the council expressed a desire to discuss several of the governor's line-item vetoes on legislation from the regular session. Representative Egolf indicated that such discussion, which could lead to an action item, was not included on the agenda and thus would not occur. A motion was made and seconded to include a discussion of the governor's line-item vetoes on several bills from the 2021 regular session as an item on the agenda of the next council meeting. That motion was not taken.

**Adjournment**

On a motion made, seconded and passed, the council voted to adjourn the meeting, with Representatives Dow and Rod Montoya and Senators Baca, Brandt and Neville voting NO, and the meeting adjourned at 3:22 p.m.