



**MINUTES
of the
THREE-HUNDRED-SEVENTY-SEVENTH MEETING
of the
LEGISLATIVE COUNCIL
April 26, 2018
Santa Fe**

The three-hundred-seventy-seventh meeting of the Legislative Council was called to order on Thursday, April 26, 2018, at 1:30 p.m. in Room 322 of the State Capitol by Senator Mary Kay Papen, co-chair.

Present

Rep. Brian Egolf, Co-Chair
Sen. Mary Kay Papen, Co-Chair
Sen. Carlos R. Cisneros
Rep. Doreen Y. Gallegos
Rep. Roberto "Bobby" J. Gonzales
Sen. Stuart Ingle
Rep. Rod Montoya
Sen. Clemente Sanchez
Sen. John Arthur Smith
Rep. Sheryl Williams Stapleton
Sen. James P. White
Sen. Peter Wirth

Absent

Rep. Zachary J. Cook
Rep. Candy Spence Ezzell
Rep. Nate Gentry
Sen. William H. Payne

Special Advisory Members Present

Rep. Eliseo Lee Alcon
Rep. Deborah A. Armstrong
Sen. Pete Campos
Rep. Gail Chasey
Rep. Kelly K. Fajardo
Sen. Ron Griggs
Rep. Jason C. Harper
Rep. Antonio Maestas
Sen. Cisco McSorley
Sen. George K. Munoz
Sen. Michael Padilla
Sen. Cliff R. Pirtle
Rep. Jane E. Powdrell-Culbert
Rep. Debbie A. Rodella
Sen. William E. Sharer
Sen. Mimi Stewart
Rep. Carl Trujillo
Rep. Jim R. Trujillo

Special Advisory Members Absent

Rep. Rebecca Dow
Sen. Daniel A. Ivey-Soto
Rep. Rick Little
Rep. Georgene Louis
Sen. Steven P. Neville
Rep. Patricia Roybal Caballero
Sen. Benny Shendo, Jr.
Rep. Elizabeth "Liz" Thomson

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Amy Chavez-Romero, Assistant Director for Drafting Services, LCS
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS
Jon Boller, Senior Staff Attorney, LCS
Jeret Fleetwood, Researcher, LCS

Approval of Minutes

On a motion made, seconded and passed, the minutes of the January 15, 2018 meeting were approved as submitted.

Interim Committee Appointments

The following appointments were made to interim committees.

Statutory Committees:

Legislative Council: Senator Mary Kay Papen and Representative Brian Egolf will serve as co-chairs. Other voting members are Representatives Zachary J. Cook, Candy Spence Ezzell, Doreen Y. Gallegos, Nate Gentry, Roberto "Bobby" J. Gonzales, Rod Montoya and Sheryl Williams Stapleton and Senators Carlos R. Cisneros, Stuart Ingle, William H. Payne, Clemente Sanchez, John Arthur Smith, James P. White and Peter Wirth. Special advisory members are Representatives Eliseo Lee Alcon, Deborah A. Armstrong, Gail Chasey, Rebecca Dow, Kelly K. Fajardo, Jason C. Harper, Rick Little, Georgene Louis, Antonio Maestas, Jane E. Powdrell-Culbert, Debbie A. Rodella, Patricia Roybal Caballero, Elizabeth "Liz" Thomson, Carl Trujillo and Jim R. Trujillo and Senators Pete Campos, Ron Griggs, Daniel A. Ivey-Soto, Cisco McSorley, George K. Munoz, Steven P. Neville, Michael Padilla, Cliff R. Pirtle, William E. Sharer, Benny Shendo, Jr. and Mimi Stewart.

Legislative Education Study Committee: Senator Mimi Stewart will serve as chair and Representative G. Andrés Romero will serve as vice chair. Other voting members are Representatives Alonzo Baldonado, Dennis J. Roch, Stapleton, Christine Trujillo and Monica Youngblood and Senators Craig W. Brandt, Candace Gould and William P. Soules. Advisory members are Representatives Fajardo, Joanne J. Ferrary, David M. Gallegos, Stephanie Garcia Richard, Jimmie C. Hall, D. Wonda Johnson, Tim D. Lewis, Little, Roybal Caballero, Angelica Rubio, Patricio Ruiloba, Tomás E. Salazar, Debra M. Sariñana, Thomson, Jim R. Trujillo and Linda M. Trujillo and Senators Cisneros, Ivey-Soto, Gay G. Kernan, Linda M. Lopez, Howie C. Morales, Padilla and John Pinto.

Legislative Finance Committee (LFC): Representative Patricia A. Lundstrom will serve as chair and Senator Smith will serve as vice chair. Other voting members are Representatives Paul C. Bandy, Randal S. Crowder, George Dodge, Jr., Hall, Larry A. Larrañaga, Nick L. Salazar and Jim R. Trujillo and Senators William F. Burt, Campos, Cisneros, Carroll H. Leavell, Morales, Munoz and Neville. Representative Doreen Y. Gallegos is a nonvoting member.

Designees are Representatives Deborah A. Armstrong, Sharon Clahchischilliage, Dow, Fajardo, Harry Garcia, Garcia Richard, Little, Maestas, Sarah Maestas Barnes, Rodolpho "Rudy" S. Martinez, Javier Martínez, Bill McCamley, Montoya, Tomás E. Salazar, Larry R. Scott, Nathan P. Small, Thomson, James G. Townsend, Christine Trujillo and Youngblood and Senators Brandt, Jacob R. Candelaria, Griggs, Ingle, Kernan, Lopez, McSorley, Mark Moores, Padilla, Papen, Payne, Sander Rue, Sanchez, John M. Sapien, Sharer, Shendo, Wirth and Pat Woods.

Capitol Buildings Planning Commission: Legislative voting members are Representatives Egolf and Montoya and Senators Ingle and Papen. Public members are Ned Fuller, secretary, General Services Department; Tom Church, secretary, Department of Transportation; Aubrey Dunn, commissioner of public lands; Tim Eichenberg, state treasurer; Veronica N. Gonzales, secretary, Cultural Affairs Department; Judith K. Nakamura, chief justice, New Mexico Supreme Court; and Dorothy "Duffy" Rodriguez, secretary, Department of Finance and Administration (DFA).

Interim Legislative Ethics Committee: Representative Johnson and Senator Lopez will serve as co-chairs. Other voting members are Representatives Cathrynn N. Brown, Fajardo, Ferrary, Gentry, Javier Martínez and Candie G. Sweetser and Senators Campos, Ingle, Neville, Papen, Payne, Sharer and Wirth.

Legislative Health and Human Services Committee: Representative Deborah A. Armstrong will serve as chair and Senator Gerald Ortiz y Pino will serve as vice chair. Other voting members are Representatives Gail Armstrong, Dow and Thomson and Senators Moores, Bill B. O'Neill and Pirtle. Advisory members are Representatives Ferrary, Miguel P. Garcia, Lewis, Rodolpho "Rudy" S. Martinez, Roybal Caballero, Rubio, Nick L. Salazar and Christine Trujillo and Senators Kernan, Lopez, McSorley, Morales, Papen, Nancy Rodriguez, Soules, Elizabeth "Liz" Stefanics and Bill Tallman.

Disabilities Concerns Subcommittee: Senator Rodriguez will serve as chair and Representative Ferrary will serve as vice chair. Other voting members are Representatives Gail Armstrong and Thomson and Senator Lopez. Advisory members are Representatives Deborah A. Armstrong, Miguel P. Garcia and Rubio and Senator Stefanics.

Military and Veterans' Affairs Committee: Representative Rodolpho "Rudy" S. Martinez and Senator Tallman will serve as co-chairs. Other voting members are Representatives David E. Adkins, Harry Garcia and Bob Wooley and Senators Brandt, Burt and Padilla. Advisory members are Representatives Alcon, Brown, Crowder, Jim Dines, Dodge, Powdrell-Culbert, Roch, Rodella, Sariñana and Jim R. Trujillo and Senators Cisneros, Richard C. Martinez, Payne and Pinto.

Mortgage Finance Authority Act Oversight Committee: Senator Rodriguez will serve as chair and Representative Alcon will serve as vice chair. Other voting members are Representatives Fajardo, Montoya and Stapleton and Senators Gregory A. Baca, Ingle and

McSorley. Advisory members are Representatives Baldonado, Dodge, Bealquin Bill Gomez, Gonzales, McCamley, Roch and Small and Senators Martinez, Ortiz y Pino, Padilla, Rue and Jeff Steinborn.

New Mexico Finance Authority Oversight Committee: Senator Candelaria will serve as chair and Representative McCamley will serve as vice chair. Other voting members are Representatives Baldonado, Clahchischilliage, Dodge, Fajardo, Harry Garcia, Hall, Powdrell-Culbert, Rodella, Roybal Caballero, Ruiloba and Linda M. Trujillo and Senators Brandt, Joseph Cervantes, Griggs, Martinez, Padilla, Rodriguez and Sharer. Advisory members are Representatives Dow, Egolf, Gomez, Lundstrom, Tomás E. Salazar, Stapleton and Youngblood and Senators Papen, Pinto, Sanchez, Steinborn, Tallman and Woods.

Public School Capital Outlay Oversight Task Force: Representative Garcia Richard will serve as chair and Senator Soules will serve as vice chair. Other legislative voting members are Representatives Egolf, Lundstrom, Roch, Rodella and Romero and Senators Brandt, Ingle, Papen, Shendo and Smith. Public members are Martha "Marty" Braniff; Greg Ewing; Carl Foster; Kirk Hartom; Antonio Ortiz, designee for the secretary of public education; T.J. Parks; Richard A. Perea; Mike Phipps; Secretary Rodriguez, DFA; Stan Rounds; Eugene Schmidt; and Harry Teague. Advisory members are Representatives Alcon, Harry Garcia and Johnson and Senators Ivey-Soto, Kernan, Morales, Pirtle, Rue, Stewart and Woods.

Radioactive and Hazardous Materials Committee: Senator Steinborn will serve as chair and Representative Carl Trujillo will serve as vice chair. Other voting members are Representatives Brown, David M. Gallegos, Rubio, Sariñana and Scott and Senators Cisneros, Griggs, Kernan, Leavell and Martinez. Advisory members are Representatives Fajardo, Garcia Richard, Powdrell-Culbert, Nick L. Salazar and Jim R. Trujillo and Senators Baca, Burt, Payne, Rodriguez and Sanchez.

Revenue Stabilization and Tax Policy Committee: Representative Jim R. Trujillo will serve as chair and Senator Cisneros will serve as vice chair. Other voting members are Representatives Clahchischilliage, Gonzales, Harper, Lewis, Maestas, Javier Martínez, James R.J. Strickler and Carl Trujillo and Senators Kernan, Moores, Munoz, Sanchez, Sharer, Smith, White and Wirth. Designees are Representatives Adkins, Alcon, Brown, Daymon Ely, Gomez, McCamley, Montoya, Rodella, Roybal Caballero, Rubio, Ruiloba, Tomás E. Salazar, Scott, Small and Sweetser and Senators Burt, Campos, Candelaria, Rodriguez, Stefanics, Tallman and Woods.

Tobacco Settlement Revenue Oversight Committee: Senator McSorley and Representative Thomson will serve as co-chairs. Other voting members are Representatives Ferrary and Youngblood and Senators Rue and Smith. Advisory members are Representatives Chasey and Jim R. Trujillo and Senators Gould, Lopez and Papen.

Commission on Uniform State Laws: Legislative members are Representatives Cook and Maestas and Senators McSorley and Payne. Public members are Jack Burton, Philip Larragoite, Raymond G. Sanchez and Paula Tackett.

Educational Commission of the States: Legislative members are Representative Garcia Richard and Senator Soules.

Council-Created Committees:

Courts, Corrections and Justice Committee: Representative Chasey and Senator Martinez will serve as co-chairs. Other voting members are Representatives Alcon, Cook, Dines, Maestas, Maestas Barnes, Javier Martínez, William "Bill" R. Rehm and Rubio and Senators Baca, Candelaria, Lopez, McSorley and Rue. Advisory members are Representatives Deborah A. Armstrong, Doreen Y. Gallegos, Roybal Caballero and Christine Trujillo and Senators Burt, Ivey-Soto, O'Neill, Payne, Pinto, Stewart and Wirth.

Economic and Rural Development Committee: Representative Rodella will serve as chair and Senator Shendo will serve as vice chair. Other voting members are Representatives Dow, Lewis, Little, Lundstrom, Matthew McQueen, Powdrell-Culbert, Small and Sweetser and Senators Candelaria, Griggs, Martinez, Padilla, Pinto and Woods. Advisory members are Representatives Alcon, Gail Armstrong, Baldonado, Dodge, Fajardo, Ferrary, David M. Gallegos, Gomez, Yvette Herrell, Johnson, Maestas Barnes, Montoya, Rehm, Roybal Caballero, Rubio, Ruiloba, Nick L. Salazar, Linda M. Trujillo, Wooley and Youngblood and Senators Brandt, Burt, Leavell, Moores, Papen, Sharer, Stefanics and Tallman.

Indian Affairs Committee: Representative Louis and Senator Pinto will serve as co-chairs. Other voting members are Representatives Clahchischilliage, Cook, Johnson, Derrick J. Lente, Rodella and Nick L. Salazar and Senators Martinez, Moores, Pirtle, Rodriguez, Sharer, Shendo and Soules. Advisory members are Representatives Alcon, Harry Garcia, Garcia Richard, Lundstrom, Maestas Barnes, Roybal Caballero, Rubio, Ruiloba, Sariñana and Thomson and Senators Cisneros, Ingle, McSorley, Munoz and Sanchez.

Investments and Pensions Oversight Committee: Representative Tomás E. Salazar will serve as chair and Senator Munoz will serve as vice chair. Other voting members are Representatives Miguel P. Garcia, Larrañaga, Powdrell-Culbert, Rehm, Roybal Caballero, Scott and Jim R. Trujillo and Senators Candelaria, Kernan, Leavell, Neville, Sapien and Stefanics. Advisory members are Representatives Gonzales and McCamley and Senators Burt, Cisneros, Ingle, Papen, Payne and White.

Land Grant Committee: Senator Stefanics will serve as chair and Representative Miguel P. Garcia will serve as vice chair. Other voting members are Representatives David M. Gallegos, Hall, Maestas Barnes, Rodella, Tomás E. Salazar and Christine Trujillo and Senators Baca, Lopez, Martinez, O'Neill, Pirtle and Rue. Advisory members are Representatives Alcon,

Baldonado, Harry Garcia, Johnson, Lente, Lundstrom, McQueen and Jim R. Trujillo and Senators Cisneros, Ingle, Kernan and White.

Science, Technology and Telecommunications Committee: Senator Padilla will serve as chair and Representative Sweetser will serve as vice chair. Other voting members are Representatives Ely, Fajardo, Harper, Sariñana, Linda M. Trujillo and Youngblood and Senators Burt, Moores, O'Neill and Soules. Advisory members are Representatives Garcia Richard, McCamley, Rodella, Nick L. Salazar and Carl Trujillo and Senators Brandt, Candelaria, Cisneros, Griggs, Martinez, Papen, Payne, Rodriguez, Tallman and Wirth.

Water and Natural Resources Committee: Representatives Gomez and McQueen will serve as co-chairs and Senator Cervantes will serve as vice chair. Other voting members are Representatives Gail Armstrong, Bandy, Crowder, Lente, Rodolpho "Rudy" S. Martinez, Small, Strickler, Carl Trujillo and Wooley and Senators Brandt, Rue, Shendo, Steinborn, Stewart and Woods. Advisory members are Representatives Clahchischilliage, Dodge, Dow, Egolf, Ezzell, Harry Garcia, Herrell, Johnson, Larrañaga, Little, Maestas Barnes, Javier Martínez, McCamley, Greg Nibert, Rehm, Rodella, Rubio, Ruiloba and Tomás E. Salazar and Senators Campos, Cisneros, Griggs, Ingle, Kernan, Leavell, Lopez, McSorley, Neville, Ortiz y Pino, Papen, Rodriguez, Sharer, Smith and Wirth.

Transportation Infrastructure Revenue Subcommittee: Representative Gonzales will serve as chair and Senator Smith will serve as vice chair. Other voting members are Representatives David M. Gallegos, Powdrell-Culbert and Ruiloba and Senators Griggs, Sanchez and Woods. Advisory members are Representatives Clahchischilliage, Harry Garcia, Gomez, Little, Lundstrom and Maestas and Senators Cisneros, Ingle, Leavell and Payne.

Behavioral Health Subcommittee: Senator O'Neill will serve as chair and Representative Christine Trujillo will serve as vice chair. Members are Representatives Clahchischilliage, Dow, Doreen Y. Gallegos and Thomson and Senator Morales. Advisory members are Representative Deborah A. Armstrong and Senators Ortiz y Pino and Papen.

Criminal Justice Reform Subcommittee: Representative Maestas and Senator Rue will serve as co-chairs. Members are Representatives Chasey, Cook and Dines and Senators Baca, Martinez and McSorley.

The council authorized the speaker and president pro tempore to make any other necessary changes to interim committees. Changes made subsequent to this meeting are reflected in this set of minutes.

Out-of-State Travel

Mr. Burciaga explained that Section 10-8-5 NMSA 1978 prohibits members who are not running for the seat they currently hold, or who have been defeated in a primary or general

election, from being reimbursed for out-of-state travel without approval from three-fourths of the Legislative Council.

On a motion made, seconded and unanimously approved, the council authorized reimbursement for out-of-state travel to non-returning members.

Code of Conduct

Mr. Burciaga explained that, pursuant to the Governmental Conduct Act, the code of conduct for legislative employees is to be reviewed every four years. He explained that staff reviewed and revised the code of conduct, mostly making technical changes and adding language requiring legislative employees to disclose outside employment to their respective supervisors.

In response to a question about disclosure of employment, Mr. Burciaga explained that it is usually in the best interest of the employee to disclose all outside employment, regardless of its nature.

In response to another question regarding employment, Mr. Burciaga said that while there are no specific prohibitions on employment, working for partisan organizations can create problems.

In response to another question, Mr. Burciaga said that while incidental use of state resources is fine, the state seal may not be used for campaign purposes.

The council discussed disclosure of personal or private information and amended the policy to include language about disclosure of personal or private information.

On a motion made, seconded and passed, the council approved the amended code of conduct.

School and Capitol Security

Mr. Burciaga explained that two letters to the co-chairs of the council on behalf of the LFC were included in members' meeting packets. The first one requested the council to "appoint a task force to study preventative and responsive strategies for improving school safety and to draft legislation to address needs as soon as possible". The second requested the council to discuss and evaluate the security needs of the State Capitol building.

Mr. Burciaga explained that several entities have initiatives under way to improve school safety. For example, he said that the Public School Facilities Authority received an appropriation to improve school safety and is in the process of conducting regional workshops, and the Public School Capital Outlay Council and the Public School Capital Outlay Oversight Task Force are also studying the issue.

Mr. Burciaga also pointed out that a Capitol Security Subcommittee had been appointed less than two years ago and that a third-party assessment of capitol security measures had been done. He said that the assessment had led to some improvements in security, some of which should not be discussed in a public meeting.

The council had a lengthy discussion about both school and capitol security. Several members suggested that the council appoint a task force on school security, while other members said that several other existing committees should devote time to the issue, as the LFC and the Legislative Education Study Committee had. The speaker requested that the council meet in executive session during the June meeting to discuss capitol security.

Requests for Use of Chambers

Mr. Burciaga explained that the council had received a request from the New Mexico College Republicans for use of the senate chambers for the group's convention in May.

On a motion made, seconded and passed, use of the senate chambers by the New Mexico College Republicans was authorized.

LCS, House Chief Clerk and Senate Chief Clerk Fiscal Year (FY) 2019 Budgets

Mr. Burciaga said that FY 2019 budgets for the LCS, senate chief clerk and house chief clerk, which include category and total amounts as passed in House Bill 1 (2018), were in members' folders. He explained that council approval is necessary to submit the budgets to the DFA.

On a motion made, seconded and passed, the council approved budgets for the LCS, senate chief clerk and house chief clerk as submitted.

Executive Session — Litigation

On a motion made, seconded and passed, the council went into executive session to discuss litigation.

Staff Reports

Mr. Burciaga noted that the biennial ethics training and new-member orientation are planned to coincide with the council's December meeting. He also said that harassment training is planned for the day before the 2019 session begins.

Mr. Burciaga also noted that the legislature had prevailed in a New Mexico Supreme Court case involving 10 invalid vetoes by the governor, and the New Mexico Compilation Commission has begun work on reconciling those bills with legislation passed in 2018.

In response to a question, Mr. Burciaga said that a tax study, which was contracted for with the accounting firm of Ernst & Young in 2017, is almost complete.

There being no further business, the council adjourned at 4:04 p.m.