



MINUTES
of the
THREE-HUNDRED-SEVENTY-SECOND MEETING
of the
LEGISLATIVE COUNCIL
June 28, 2017
Santa Fe

The three-hundred-seventy-second meeting of the Legislative Council was called to order on Wednesday, June 28, 2017, at 1:30 p.m. in Room 307 of the State Capitol by Senator Mary Kay Papen, co-chair.

Present

Rep. Brian Egolf, Co-Chair
Sen. Mary Kay Papen, Co-Chair
Rep. Candy Spence Ezzell
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

Special Advisory Members Present

Rep. Eliseo Lee Alcon
Rep. Deborah A. Armstrong
Rep. Gail Chasey
Rep. Kelly K. Fajardo
Sen. Daniel A. Ivey-Soto
Rep. Rick Little
Sen. Cisco McSorley
Sen. Michael Padilla
Rep. Jane E. Powdrell-Culbert
Rep. Debbie A. Rodella
Rep. Patricia Roybal Caballero
Sen. William E. Sharer
Sen. Benny Shendo, Jr.
Rep. Elizabeth "Liz" Thomson

Absent

Sen. Carlos R. Cisneros
Rep. Zachary J. Cook
Rep. Nate Gentry
Sen. William H. Payne

Special Advisory Members Absent

Sen. Pete Campos
Rep. Rebecca Dow
Sen. Ron Griggs
Rep. Jason C. Harper
Rep. Georgene Louis
Rep. Antonio Maestas
Sen. George K. Munoz
Sen. Steven P. Neville
Sen. Cliff R. Pirtle
Rep. Carl Trujillo
Rep. Jim R. Trujillo

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)

Amy Chavez-Romero, Assistant Director for Drafting, LCS

John Yaeger, Assistant Director for Legislative Affairs, LCS

Nancy Martinez, Word Processor, LCS

Jeret Fleetwood, Researcher, LCS

Approval of Minutes

On a motion made, seconded and passed, the minutes of the June 5, 2017 meeting were approved as submitted.

Interim Committee Work Plans and Budgets

Interim committee work plans and budgets were presented by the appropriate LCS staff members. A copy of each work plan and budget is in the original meeting file.

The work plan and meeting dates for the Military and Veterans' Affairs Committee, including an October meeting outside of the State Capitol, were approved as submitted. A budget of \$22,170 for voting members and \$37,897 for advisory members was also approved.

The work plan for the Water and Natural Resources Committee was amended to include an item regarding oil and gas industry issues. The amended work plan and the committee's meeting dates, including an October meeting outside of the State Capitol, were approved. A budget of \$53,660 for voting members and \$92,667 for advisory members was also approved.

The work plan and meeting dates for the Investments and Pensions Oversight Committee were approved as submitted. A budget of \$24,061 for voting members and \$15,875 for advisory members was also approved.

The work plan and meeting dates for the New Mexico Finance Authority Oversight Committee, including November and December meetings outside of the State Capitol, were approved as submitted. A budget of \$61,839 for voting members, \$38,387 for advisory members and \$1,140 for expert testimony was also approved.

The work plan and meeting dates for the Tobacco Settlement Revenue Oversight Committee were approved as submitted. A budget of \$7,067 for voting members and \$4,463 for advisory members was also approved.

The work plan and meeting dates for the Public School Capital Outlay Oversight Task Force were approved as submitted. A budget of \$25,816 for voting members and \$20,133 for advisory members was also approved.

The work plan and meeting dates for the Mortgage Finance Authority Act Oversight Committee, including a November meeting outside of the State Capitol and a joint meeting with

the Economic and Rural Development Committee, were approved as submitted. A budget of \$14,131 for voting members and \$26,242 for advisory members was also approved.

The work plan for the Revenue Stabilization and Tax Policy Committee was amended to include an item regarding property tax issues, including what has become known as "tax lightning", tools available to county assessors to administer the tax and insufficiency of revenue for local governments. The amended work plan and the committee's meeting dates, including a joint meeting with the Legislative Finance Committee, were approved. A budget of \$53,800 for voting members was also approved.

The work plan for the Economic and Rural Development Committee was amended to include an item regarding a report on the lodgers' tax. The committee's amended work plan and meeting dates, including an October meeting outside of the State Capitol and a joint meeting with the Mortgage Finance Authority Act Oversight Committee, were approved. A budget of \$58,631 for voting members and \$102,151 for advisory members was also approved.

The work plan for the Radioactive and Hazardous Materials Committee was amended to include an item for a status report from URENCO on the National Enrichment Facility in Lea County. The committee's meeting dates were approved as submitted. A budget of \$29,422 for voting members and \$18,972 for advisory members was also approved.

The work plan and meeting dates for the Science, Technology and Telecommunications Committee were approved as submitted. A budget of \$43,420 for voting members and \$48,008 for advisory members was also approved.

The work plan for the Transportation Infrastructure Revenue Subcommittee was amended to include an item regarding autonomous vehicles. The amended work plan and the subcommittee's meeting dates were approved. A total budget of \$31,850 for voting and advisory members was also approved.

The work plan and meeting dates for the Land Grant Committee, including an October meeting outside of the State Capitol, were approved as submitted. A budget of \$28,630 for voting members and \$27,172 for advisory members was also approved.

The work plan and meeting dates for the Indian Affairs Committee, including October and November meetings outside of the State Capitol and joint meetings with the Radioactive and Hazardous Materials Committee and the Legislative Health and Human Services Committee, were approved as submitted. A budget of \$68,498 for voting members and \$62,962 for advisory members was also approved.

The work plan and meeting dates for the Legislative Health and Human Services Committee, including an October meeting outside of the State Capitol and joint meetings with the Indian Affairs Committee and the Courts, Corrections and Justice Committee, were approved

as submitted. The work plan and meeting dates for the Disabilities Concerns Subcommittee, including an October meeting outside of the State Capitol, were approved as submitted. The work plan and meeting dates for the Behavioral Health Subcommittee were also approved as submitted.

Budgets of \$38,240 for voting members and \$87,917 for advisory members of the Legislative Health and Human Services Committee, \$4,683 for voting members and \$3,342 for advisory members of the Disabilities Concerns Subcommittee and a total budget of \$13,446 for voting and advisory members of the Behavioral Health Subcommittee were also approved.

The work plan for the Courts, Corrections and Justice Committee was amended to include items regarding information technology reform and studying crime rates and methods for crime reduction in cities comparable to Albuquerque. The committee's amended work plan and meeting dates, including an October meeting outside of the State Capitol and a joint meeting with the Legislative Health and Human Services Committee, were approved. The committee also proposed to create a subcommittee — the Criminal Justice Reform Subcommittee. The work plan and meeting dates for the Criminal Justice Reform Subcommittee, including October meetings outside of the State Capitol, were approved as submitted.

Budgets of \$43,427 for voting members and \$34,145 for advisory members of the Courts, Corrections and Justice Committee and \$7,984 for voting members of the Criminal Justice Reform Subcommittee were also approved.

In response to a question, Mr. Burciaga explained that members of the Courts, Corrections and Justice Committee who were not appointed to the Criminal Justice Reform Subcommittee would have to use extra committee days to attend subcommittee meetings.

A budget of \$6,490.09 was approved for the Interim Legislative Ethics Committee in the event that the committee would need to convene.

Mr. Burciaga noted that approved work plans and a revised legislative interim calendar would be posted on the legislature's website shortly.

Staff Reports

Mr. Burciaga noted that the district court had issued a judgment in the court case regarding the Inspection of Public Records Act (IPRA). He explained that the court ruled that a single legislator cannot act on behalf of the legislature, and that while the case can be appealed, the ruling suggests that the legislature is handling IPRA requests appropriately.

In response to a question, Mr. Burciaga explained that not all emails on legislative email servers are open to inspection under IPRA. He said that the email must relate to public business and that a member must be holding it on behalf of the body for it to be subject to inspection under the act.

Mr. Burciaga explained that Senate Bill 478, the Bioscience Development Act, was passed by the legislature during the 2017 regular session and signed by the governor. He said that a provision of the act requires the Legislative Council to appoint four members to the New Mexico Bioscience Authority Board of Directors.

On a motion made, seconded and passed, the council authorized the speaker of the house and the senate president pro tempore, in consultation with minority leadership, to make the necessary appointments to the New Mexico Bioscience Authority Board of Directors.

In response to a question, Mr. Burciaga explained that the council had not yet authorized members to participate in meetings over the phone. He also noted that meetings are webcast and archived and reminded members to turn their microphones on before speaking.

Representative Egolf noted that participation by phone should not be standard procedure.

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

Upon returning to open session, the following motions were made and seconded by the council:

- that the director of the LCS be authorized to adjust staff salaries and report back to the council;
- that the salary of the director of the LCS be adjusted to match the salary of the director of the Legislative Finance Committee; and
- that the salaries of the clerks and directors be set by the council.

All three motions passed without objection.

There being no further business, the council adjourned at 3:55 p.m.