



**MINUTES
of the
THREE-HUNDRED-SEVENTY-FIRST MEETING
of the
LEGISLATIVE COUNCIL
June 5, 2017
Santa Fe**

The three-hundred-seventy-first meeting of the Legislative Council was called to order on Monday, June 5, 2017, at 1:30 p.m. in Room 307 of the State Capitol by Representative Brian Egolf, co-chair.

Present

Rep. Brian Egolf, Co-Chair
Sen. Mary Kay Papen, Co-Chair
Sen. Carlos R. Cisneros
Rep. Zachary J. Cook
Rep. Candy Spence Ezzell
Rep. Doreen Y. Gallegos
Rep. Roberto "Bobby" J. Gonzales
Sen. Stuart Ingle
Rep. Rod Montoya
Sen. William H. Payne
Sen. Clemente Sanchez
Sen. John Arthur Smith
Rep. Sheryl Williams Stapleton
Sen. Peter Wirth

Special Advisory Members Present

Sen. Pete Campos
Rep. Kelly K. Fajardo
Rep. Jason C. Harper
Sen. Daniel A. Ivey-Soto
Rep. Antonio Maestas
Sen. Cisco McSorley
Sen. Michael Padilla
Rep. Jane E. Powdrell-Culbert
Rep. Debbie A. Rodella
Rep. Patricia Roybal Caballero
Sen. William E. Sharer
Rep. Carl Trujillo
Rep. Jim R. Trujillo

Absent

Rep. Nate Gentry
Sen. James P. White

Special Advisory Members Absent

Rep. Deborah A. Armstrong
Rep. Gail Chasey
Rep. Rebecca Dow
Sen. Ron Griggs
Rep. Rick Little
Rep. Georgene Louis
Sen. George K. Munoz
Sen. Steven P. Neville
Sen. Cliff R. Pirtle
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
Jeret Fleetwood, Researcher, LCS

Interim Committee Appointments

The council made the following appointments 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 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 and Benny Shendo, Jr.

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

Legislative Finance Committee: 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, 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, Smith, 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 Edwynn L. Burckle, secretary, General Services Department; Tom Church, secretary, Department of Transportation; Charles W. Daniels, chief justice, New Mexico Supreme Court; Aubrey Dunn, commissioner of public lands; Tim Eichenberg, state treasurer; Veronica N. Gonzales, secretary, Cultural Affairs Department; 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, Smith 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 and Bill B. O'Neill. 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 Eliseo Lee 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: Representative Alcon will serve as chair and Senator Rodriguez 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: Representative McCamley will serve as chair and Senator Candelaria will serve as vice chair. Other voting members are Representatives Baldonado, Clahchischillie, 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 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, Romero and Smith and Senators Brandt, Ingle, Papen, Shendo and Smith. 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 Representatives Alcon, Harry Garcia, and Johnson and Senators Ivey-Soto, Kernan, Morales, Pirtle, Rue, Stewart, Tallman 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 Garcia Richard, Powdrell-Culbert, Nick L. Salazar, Smith and Jim R. Trujillo and Senators Baca, Burt, Payne, Rodriguez and Sanchez.

Revenue Stabilization and Tax Policy Committee: Senator Cisneros will serve as chair and Representative Jim R. Trujillo will serve as vice chair. Other voting members are Representatives Clahchischillie, 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, 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: Senator Shendo will serve as chair and Representative Rodella will serve as vice chair. Other voting members are Representatives Dow, 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, Lewis, Maestas Barnes, Montoya, Rehm, Roybal Caballero, Rubio, Ruiloba, Nick L. Salazar, Smith, 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 Clahchischillie, Cook, Johnson, Derrick J. Lente, Rodella, Nick L. Salazar and Smith 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, 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: Representative Miguel P. Garcia will serve as chair and Senator Stefanics 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, Lundstrom, McQueen and Jim R. Trujillo and Senators Cisneros, Ingle, Kernan and White.

Science, Technology and Telecommunications Committee: Representative Sweetser will serve as chair and Senator Padilla will serve as vice chair. Other voting members are Representatives Ely, Fajardo, Harper, Sariñana, Smith, 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: Senator Cervantes will serve as chair and Representatives Gomez and McQueen will serve as co-vice chairs. Other voting members are Representatives Gail Armstrong, Bandy, Crowder, Lente, Rodolpho "Rudy" S. Martinez, Small, Strickler, Carl Trujillo and Wooley and Senators Pirtle, Rue, Shendo, Steinborn, Stewart and Woods. Advisory members are Representatives Clahchischillie, Dodge, Dow, Ezzell, Harry Garcia, Herrell, Johnson, Larrañaga, Little, Maestas Barnes, Javier Martínez, McCamley, Greg Nibert, Rodella, Rubio, Ruiloba and Tomás E. Salazar and Senators Brandt, 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 Clahchischillie, Harry Garcia, Gomez, Little and Maestas and Senators Cisneros, Ingle, Leavell and Payne.

The council re-created the subcommittee as a subcommittee of the Legislative Council, and the subcommittee was authorized to hold two one-day meetings.

The council also re-created the Behavioral Health Subcommittee. Senator O'Neill will serve as chair and Representative Christine Trujillo will serve as vice chair. Members are Representatives Clahchischillie, Dow, Doreen Y. Gallegos and Senator Morales.

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.

Tax Study

Mr. Burciaga explained that \$400,000 had been appropriated during the special session for a tax study. He said that the LCS and the Legislative Finance Committee were in the process of developing a scope of work for a request for proposals (RFP), which he said would be issued in about a week. Mr. Burciaga said that responses to the RFP would be in by mid-July, with work on the study being done through the fall. He hoped that the study would be finished by late fall and would produce numbers and data that lawmakers could use to develop tax policy for the state.

In response to questions, Mr. Burciaga and Pam Stokes, staff attorney, LCS, explained that the study would look at the gross receipts and compensating taxes, corporate income tax, personal income tax and the interaction between the gross receipts tax and the insurance premium surcharge. They said that the study could potentially include property taxes but that

those taxes would not be part of the initial scope of work. Mr. Burciaga and Ms. Stokes also said that any legislation introduced in previous sessions is already publicly available but that the purpose of the study was to produce raw data for legislators to use to develop legislation.

On a motion made, seconded and passed, the council authorized the LCS to issue an RFP for the tax study.

Additional Meeting Days for Members and Leadership

Mr. Burciaga provided the committee with a proposed change to Legislative Council Policy Number 5. The proposed changes would:

- increase from four to five the number of days a member may be reimbursed for per diem and mileage for attending meetings of committees to which they have not been appointed; and
- increase the number of days leadership may be reimbursed per diem and mileage for performing administrative duties by two days each for the speaker, president pro tempore, floor leaders and whips.

On a motion made, seconded and passed, the council approved the proposed changes to Legislative Council Policy Number 5. The committee deferred action on any other proposed changes to the policy until the next meeting.

Request for Use of Capitol Chambers

Mr. Burciaga said that a summer policy academy had requested use of the chambers on June 9.

On a motion made, seconded and passed, the council approved the use of chambers for a summer policy academy.

Mr. Burciaga also said that Emerge New Mexico had requested use of the chambers to hold a mock session in September.

On a motion made, seconded and passed, the council approved use of the chambers for Emerge New Mexico in September, with Senator Payne voting NO.

Mr. Burciaga noted that council authorization was required for use of the house kitchen fund to purchase coffee for interim committees.

On a motion made, seconded and passed, use of the house kitchen fund to purchase coffee and supplies for interim committees was approved.

Staff Reports

Mr. Burciaga said that fiscal year 2018 budgets for all legislative agencies had been submitted to the DFA.

Mr. Burciaga also said that the second lawsuit authorized by the council, regarding the governor's vetoes of 10 bills without noting her objections to them, had been filed in district court.

Mr. Burciaga said that letters advising members of their committee appointments and a calendar listing proposed interim committee meeting dates would be sent to all members.

In response to a question, Mr. Burciaga explained that there were several vacant positions in Legislative Building Services but that groundskeeping crews were aware of the condition of the capitol grounds and were making upkeep a priority.

In response to a question, Mr. Burciaga explained that, depending on the availability of funds, Legislative Council policy allows for reimbursement of members for attendance at meetings of the national organizations to which New Mexico pays dues: the National Conference of State Legislatures, Council of State Governments, Energy Council, Uniform Law Commission, National Council of Legislators from Gaming States and the National Conference of Insurance Legislators. Additionally, reimbursement is allowed for attendance at one meeting of a national organization to which the state does not pay dues, such as the American Legislative Exchange Council.

Representative Egolf requested that at its next meeting, the council further discuss the types of out-of-state meetings for which reimbursement is available.

Adjournment

There being no further business, the council adjourned at 2:38 p.m.