



MINUTES
of the
THREE-HUNDRED-FORTY-NINTH MEETING
of the
LEGISLATIVE COUNCIL
April 30, 2013
Santa Fe

The three-hundred-forty-ninth meeting of the Legislative Council was called to order on Tuesday, April 30, 2013, at 10:35 a.m. in Room 307 of the State Capitol by Speaker W. Ken Martinez, co-chair.

Present

Rep. W. Ken Martinez, Co-Chair
Sen. Mary Kay Papen, Co-Chair
Rep. Donald E. Bratton
Sen. Carlos R. Cisneros
Rep. Anna M. Crook
Sen. Stuart Ingle
Rep. Antonio "Moe" Maestas
Rep. Rick Miera
Sen. Clemente Sanchez
Sen. William E. Sharer
Rep. Thomas C. Taylor

Absent

Rep. Nate Gentry
Sen. Timothy M. Keller
Sen. William H. Payne
Sen. Michael S. Sanchez
Rep. Sheryl Williams Stapleton

Special Advisory Members Present

Rep. Eliseo Lee Alcon
Rep. Thomas A. Anderson
Rep. Mary Helen Garcia
Rep. Stephanie Garcia Richard
Rep. Roberto "Bobby" J. Gonzales
Rep. Jason C. Harper
Sen. Daniel A. Ivey-Soto
Rep. James Roger Madalena
Rep. Debbie A. Rodella
Sen. John Arthur Smith
Rep. Don L. Tripp
Rep. Carl Trujillo

Special Advisory Members Absent

Sen. Pete Campos
Sen. Cisco McSorley
Sen. Mark Moores
Sen. George K. Munoz
Sen. Cliff R. Pirtle
Sen. Benny Shendo, Jr.

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS
Jeret Fleetwood, Locator Coordinator, LCS

Tuesday, April 30

Approval of Minutes

On a motion made, seconded and passed, the minutes of the three-hundred-forty-eighth meeting, from January 14, 2013, were approved as submitted.

Interim Committees

The council appointed members to the following statutory and council-created committees.

Legislative Council: Speaker Martinez and Senator Papen will serve as co-chairs. Other voting members are Representatives Donald E. Bratton, Anna M. Crook, Nate Gentry, Antonio "Moe" Maestas, Rick Miera, Sheryl Williams Stapleton and Thomas C. Taylor and Senators Carlos R. Cisneros, Stuart Ingle, Timothy M. Keller, William H. Payne, Clemente Sanchez, Michael S. Sanchez and William E. Sharer. Special advisory members are Representatives Eliseo Lee Alcon, Thomas A. Anderson, Mary Helen Garcia, Stephanie Garcia Richard, Roberto "Bobby" J. Gonzales, Jason C. Harper, James Roger Madalena, Debbie A. Rodella, Don L. Tripp and Carl Trujillo and Senators Pete Campos, Daniel A. Ivey-Soto, Cisco McSorley, Mark Moores, George K. Munoz, Cliff R. Pirtle, Benny Shendo, Jr., and John Arthur Smith.

Legislative Education Study Committee: Senator John M. Sapien will serve as chair and Representative Miera will serve as vice chair. Other voting members are Representatives Nora Espinoza, Jimmie C. Hall, Dennis J. Roch, Stapleton and Mimi Stewart and Senators Craig W. Brandt, Gay G. Kernan and Howie C. Morales. Advisory members are Representatives Alonzo Baldonado, Nathan "Nate" Cote, George Dodge, Jr., David M. Gallegos, Garcia Richard, Tomás E. Salazar, James E. Smith, Christine Trujillo and Bob Wooley and Senators Jacob R. Candelaria, Lee S. Cotter, Linda M. Lopez, John Pinto, William P. Soules and Pat Woods.

Legislative Finance Committee: Representative Luciano "Lucky" Varela will serve as chair and Senator Smith will serve as vice chair. Other voting members are Representatives William "Bill" J. Gray, Larry A. Larrañaga, Henry Kiki Saavedra, Nick L. Salazar, Edward C. Sandoval, Tripp and James P. White and Senators Sue Wilson Beffort, Campos, Cisneros, Carroll H. Leavell, Morales, Munoz and Steven P. Neville. Designees are Representatives Paul C. Bandy, Bratton, Hall, Patricia A. Lundstrom, Rodolpho "Rudy" S. Martinez, Jeff Steinborn, Elizabeth "Liz" Thomson and Jim R. Trujillo and Senators William F. Burt, Candelaria, Phil A. Griego, Ingle, Keller, Kernan, Lopez, McSorley, Michael Padilla, Papen, Payne, Sander Rue, Clemente Sanchez, Sharer and Shendo.

Capitol Buildings Planning Commission: Voting members are Representatives W. Ken Martinez and Taylor and Senators Ingle and Papen.

Interim Legislative Ethics Committee: Representative Nick L. Salazar and Senator Lopez will serve as co-chairs. Other voting members are Representatives Bratton, Cathrynn N. Brown, Gail Chasey, Zachary J. Cook, Brian F. Egolf, Jr., Gentry and Georgene Louis and Senators Campos, Ingle, Neville, Papen, Payne, Michael S. Sanchez and Sharer.

Legislative Health and Human Services Committee: Representative Madalena will serve as chair and Senator Gerald Ortiz y Pino will serve as vice chair. Other voting members are Representatives Espinoza, Miguel P. Garcia and Terry H. McMillan and Senators Kernan, Moores and Shendo. Advisory members are Representatives Phillip M. Archuleta, Cote, Doreen Y. Gallegos, Paul A. Pacheco and Thomson and Senators Beffort, Candelaria, Ivey-Soto, Lopez, McSorley, O'Neill, Papen, Nancy Rodriguez, Rue, Soules and Lisa A. Torraco.

Behavioral Health Subcommittee: Voting members are Senators Beffort, Brandt, Morales, O'Neill, Ortiz y Pino, Papen, Rue and Shendo. Speaker Martinez said he would name members at a later date.

Disabilities Concerns Subcommittee: Voting members are Representatives Espinoza, Miguel P. Garcia and Madalena and Senators Brandt, Lopez and Rodriguez.

Military and Veterans' Affairs Committee: Senator Richard C. Martinez and Representative Rodolpho "Rudy" S. Martinez will serve as co-chairs. Other voting members are Representatives Cote, Diane Miller Hamilton and Wooley and Senators Burt, Ivey-Soto and Payne. Advisory members are Representatives Alcon, Anderson, Dodge, Yvette Herrell, Roch, Sandoval and Steinborn and Senators Brandt, Cisneros, Keller, Pinto, Pirtle and Torraco.

Mortgage Finance Authority Act Oversight Committee: Representative Ernest H. Chavez will serve as chair and Senator Rodriguez will serve as vice chair. Other voting members are Representatives Anderson, Baldonado and Gonzales and Senators Cotter, Ingle and McSorley. Advisory members are Representatives Cote, Dodge, Sandra D. Jeff and Madalena and Senators Martinez, O'Neill, Ortiz y Pino, Padilla and Rue.

New Mexico Finance Authority Oversight Committee: Representative Lundstrom will serve as chair and Senator Joseph Cervantes will serve as vice chair. Other voting members are Representatives Baldonado, Chavez, Crook, Candy Spence Ezzell, Gonzales, Hall, Dona G. Irwin, Jane E. Powdrell-Culbert, Rodella, Saavedra and White and Senators Cotter, Griego, Ron Griggs, Padilla, John C. Ryan, Clemente Sanchez and Soules. Advisory members are Representatives Sharon Clahchischilliage, Egolf, Kelly K. Fajardo, Mary Helen Garcia, Herrell, Emily Kane, W. Ken Martinez, Sandoval, Stapleton, James R.J. Strickler, Taylor and Monica Youngblood and Senators Beffort, Candelaria, Ingle, Keller, Munoz, O'Neill, Papen, Payne and Pinto.

Public School Capital Outlay Oversight Task Force: Voting members are Representatives Larrañaga, Madalena, W. Ken Martinez, Saavedra, Smith and Stewart and

Senators Munoz, Papen, Pirtle, Rue, Sapien, Shendo and Smith. Advisory members are Representatives Alcon, Clahchischillige, Gonzales and Jeff and Senators Morales, Ryan, Sharer, Soules and Woods.

Radioactive and Hazardous Materials Committee: Senator Peter Wirth will serve as chair and Representative Alcon will serve as vice chair. Other voting members are Representatives Anderson, Brown, David M. Gallegos, Garcia Richard and Jim R. Trujillo and Senators Cisneros, Kernan, Leavell, Martinez and Pinto. Advisory members are Representatives Bratton, Egolf, Gray, Kane and Nick L. Salazar and Senators Burt, Griggs, Ingle, Ivey-Soto, Padilla, Payne, Rodriguez, Clemente Sanchez and Torraco.

Revenue Stabilization and Tax Policy Committee: Senator Cisneros will serve as chair and Representative Sandoval will serve as vice chair. Other voting members are Representatives Crook, Egolf, Rodolpho "Rudy" S. Martinez, Saavedra, Strickler, Taylor, Jim R. Trujillo and Wooley and Senators Beffort, Keller, Moores, Clemente Sanchez, Sharer, Smith, Torraco and Wirth. Designees are Representatives Bratton, Chavez, Miguel P. Garcia, Harper, Jeff, Tim D. Lewis, Bill McCamley, Pacheco, Roch, Rodella, Carl Trujillo and Varela and Senators Burt, Candelaria, Griego, Kernan, Munoz, Rodriguez, Sapien and Woods.

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

Commission on Uniform State Laws: Representatives Cook and Maestas and Senators McSorley and Payne will serve as legislative members on the commission. Public members are Jack Burton, Phillip Larragoite, Raymond G. Sanchez and Paula Tackett. On a motion made, seconded and approved, public members of the commission were authorized for per diem and mileage reimbursement at the public rate.

Courts, Corrections and Justice Committee: Representative Chasey and Senator Martinez will serve as co-chairs. Other voting members are Representatives Alcon, Cook, Herrell, Kane, Louis, Powdrell-Culbert, William "Bill" R. Rehm and Stewart and Senators Cervantes, Lopez, McSorley, Rue and Torraco. Advisory members are Representatives Archuleta, Brown, Egolf, Fajardo, Miguel P. Garcia, Gentry, Maestas, Pacheco, Patricia Roybal Caballero and Stapleton and Senators Brandt, Candelaria, Ivey-Soto, O'Neill, Payne, Pinto and Michael S. Sanchez.

Economic and Rural Development Committee: Senator Morales will serve as chair and Representative Rodella will serve as vice chair. Other voting members are Representatives Chavez, Dodge, Espinoza, Mary Helen Garcia, Hamilton and Herrell and Senators Candelaria, Griego, Griggs, Martinez, Padilla and Woods. Advisory members are Representatives Cook, Gentry, Jeff, Louis, Lundstrom, Madalena, Rehm, Roybal Caballero, Nick L. Salazar, Smith, Taylor and Youngblood and Senators Brandt, Cotter, Keller, Leavell, Moores, Papen and Pinto.

Indian Affairs Committee: Representative Jeff and Senator Pinto will serve as co-chairs. Other voting members are Representatives Alcon, Clahchischilliage, Lundstrom, Madalena, Powdrell-Culbert and Youngblood and Senators Martinez, Pirtle, Rodriguez, Ryan, Shendo and Soules. Advisory members are Representatives Baldonado, Chavez, Louis, Maestas, Rodella, Roybal Caballero and Nick L. Salazar and Senators Cisneros, Ingle, Ivey-Soto and Clemente Sanchez.

Investments and Pensions Oversight Committee: Representative Jim R. Trujillo will serve as chair and Senator Munoz will serve as vice chair. Other voting members are Representatives Larrañaga, Powdrell-Culbert, Rehm, Saavedra and Varela and Senators Beffort, Candelaria, Leavell, Neville, O'Neill and Soules. Advisory members are Representatives Bratton, Miguel P. Garcia, Gonzales, Gray, Kane, Lewis, Lundstrom and Stapleton and Senators Cisneros, Ingle, Keller, Payne, Ryan and Michael S. Sanchez.

Land Grant Committee: Representative Miguel P. Garcia will serve as chair and Senator Candelaria will serve as vice chair. Other voting members are Representatives Alcon, Baldonado, David M. Gallegos, Hall, Rodella and Tomás E. Salazar and Senators Ivey-Soto, Martinez, Ortiz y Pino and Rue. Advisory members are Representatives Archuleta, Lundstrom, W. Ken Martinez and Christine Trujillo and Senators Cisneros and Keller.

Science, Technology and Telecommunications Committee: Representative Carl Trujillo will serve as chair and Senator Padilla will serve as vice chair. Other voting members are Representatives Fajardo, Gonzales, Harper, Rodella, Smith, Varela and Youngblood and Senators Burt, Lopez, O'Neill, Payne and Ryan. Advisory members are Representatives Stephen Easley, Garcia Richard, McCamley, Powdrell-Culbert, Nick L. Salazar and Tripp and Senators Cisneros, Griggs, Keller, Martinez, Neville and Wirth.

Water and Natural Resources Committee: Senator Griego will serve as chair and Representative Dodge will serve as vice chair. Other voting members are Representatives Archuleta, Bandy, Easley, Egolf, Gray, Irwin, Kane, Larrañaga, Stewart, Strickler and Tripp and Senators Cervantes, Munoz, Pirtle, Shendo, Wirth and Woods. Advisory members are Representatives Brown, Chasey, Clahchischilliage, Crook, Espinoza, Ezzell, Madalena, Rodolpho "Rudy" S. Martinez, Saavedra, Tomás E. Salazar, Steinborn and Wooley and Senators Campos, Cisneros, Cotter, Griggs, Kernan, McSorley, Neville, Ortiz y Pino, Papen, Rodriguez, Ryan, Sharer and Smith.

Drought Subcommittee: Senator Cervantes will serve as chair and Representative Egolf will serve as vice chair. Other voting members are Representatives Archuleta, Rodolpho "Rudy" S. Martinez and Tomás E. Salazar and Senators Neville, Smith, Wirth and Woods. Advisory members are Representatives Brown, Larrañaga and Tripp and Senators Cisneros, Ingle and Papen.

Speaker Martinez also discussed the formation of several other committees this interim, including the Jobs Council and Transportation Infrastructure Revenue Work Group.

In response to a question from Senator Sharer, Speaker Martinez explained that the Jobs Council would likely be made up of both legislators and public members and would be staffed, in part, by an economic development consultant.

On a motion made, seconded and approved, the Jobs Council was created. Speaker Martinez and President Pro Tempore Papen indicated that they would name members at a later date.

The council also discussed the Transportation Infrastructure Funding Work Group. Speaker Martinez explained that a need exists to look at funding for roads and equipment and that the first step is to form a committee to look at potential revenue streams. Representative Gonzales echoed Speaker Martinez's comments, noting that there are six transportation districts in New Mexico and that each district has identified a need to repair or replace most of its equipment. Senator Smith noted that there has been some reluctance on the part of the executive branch to participate in this process and suggested that the executive should participate.

On a motion made, seconded and approved, the Transportation Infrastructure Revenue Work Group was created. Speaker Martinez and President Pro Tempore Papen indicated that they would name members at a later date.

Mr. Burciaga explained that the LCS will contact chairs, vice chairs and co-chairs to arrange dates for May and June organizational meetings. He also noted that staff will put together a calendar that attempts to minimize conflicts among voting members. Mr. Burciaga also indicated that either he or Mr. Yaeger would appear before each interim committee to discuss committee basics such as quorums, and that each member would be notified of the member's individual committee assignments.

In response to a question from Representative Madalena, Mr. Burciaga explained that the council had made an effort to reduce interim committee travel from 2008 to 2011, but travel schedules should be back to normal. He did point out that committees generally travel between July and September, then meet in the State Capitol in October and November, and that while there are a handful of traditional exceptions, council approval is required for meetings outside of the State Capitol after September 30.

On a motion made, seconded and approved, the speaker and president pro tempore were authorized to make changes to interim committee appointments.

State Investment Council (SIC) Appointments

Mr. Burciaga explained that Harold Lavender, who replaced Craig Reeves on the SIC and had been confirmed by the senate during the 2013 session, was up for reappointment to the SIC.

He also noted that Michael Martin, who was nominated by the senate members of the Legislative Council and appointed by the council, had resigned from the SIC. Mr. Burciaga pointed out that since none of the other three Legislative Council appointees are registered members of the same political party, party affiliation did not need to be taken into account in filling the vacancy created by Mr. Martin's resignation.

On a motion made, seconded and approved, the council reappointed Mr. Lavender to the SIC.

On a motion made, seconded and approved, Timothy Z. Jennings was appointed to the SIC.

Insurance Nominating Committee Appointments

Mr. Burciaga explained that, per the legislation that transferred regulation of the insurance industry from the Public Regulation Commission to a separate, stand-alone agency, the council is to appoint four members to the Insurance Nominating Committee, two of whom represent the insurance industry and two of whom represent the interests of insurance consumers.

On a motion made, seconded and approved, the council appointed Bill Kinyon, Jason Marks, Maureen Sanders and Scott Yurcic to the Insurance Nominating Committee.

LCS, House and Senate Fiscal Year (FY) 2014 Budgets

Mr. Burciaga provided the council with the budgets for the LCS, house and senate for FY 2014. He explained that the budgets have already been passed by the legislature and signed by the governor in House Bill 1 from the 2013 session but that council approval is also required.

On a motion made, seconded and passed, the FY 2014 budgets for the LCS, house and senate were approved as submitted.

Requests for Use of State Capitol Chambers

Mr. Burciaga explained that the University of New Mexico is hosting its 2013 annual conference of the National Latino/a Law Student Association on September 26-29. He noted that while he had already approved use of committee rooms, the association is also requesting use of the chambers and that such a request falls within the educational guidelines for use of the chambers.

Representative Maestas noted that he is involved with the association and that the moot court sessions of the conference would be hosted by members of the New Mexico Supreme Court.

On a motion made, seconded and approved, use of the State Capitol chambers was authorized for the National Latino/a Law Student Association annual conference on September 26-29.

Secretary of State Temporary Space Request

Mr. Burciaga noted that regulation and registration of corporations is being moved from the Public Regulation Commission to the secretary of state. He explained that the secretary of state is making room in her office in the Capitol North and that she had initially planned to move some of the information technology functions of her office to the Bataan Building, but the building is being remodeled. As a result, Mr. Burciaga indicated that the secretary of state is requesting the temporary use of the space next to the Legislative Education Study Committee (LESC), as well as approval to put up walls as she reconfigures her space.

Members of the council suggested that a memorandum of understanding be entered into by the LCS, the Property Control Division of the General Services Department and the secretary of state to ensure that the space is returned to the legislature by October 1, 2013.

In response to a question from Representative Miera, Mr. Burciaga explained that the space is used by two LESL analysts during the interim.

On a motion made, seconded and approved, temporary use of the space next to the LESL by the secretary of state and remodeling of the secretary of state's office were authorized.

Staff Reports

Mr. Burciaga said that two security assessments were being conducted, one on security measures in place at the State Capitol and another on Legislative Information Systems security. He indicated that reports on both would be made to the council later in the interim.

In response to a question from Representative Rodella, Mr. Burciaga explained that the four extra interim committee meeting days for members is a standing council policy and that letters outlining that policy and the council policy on national meeting attendance would be mailed to members.

Senator Ingle raised the issue of the solvency of the Lottery Tuition Fund on behalf of Senator Michael S. Sanchez. He said that the council may need to consider the formation of a working group to study the issue at its next meeting.

Senator Smith suggested that a working group look at tuition increases at New Mexico's public colleges and universities.

There being no further business, the council adjourned at 11:40 a.m.