



**MINUTES
of the
THREE-HUNDRED-NINTH MEETING
of the
LEGISLATIVE COUNCIL
July 24, 2007
Santa Fe**

The three-hundred-ninth meeting of the Legislative Council was called to order on Tuesday, July 24, 2007, at 12:30 p.m. in Room 307 of the State Capitol by Speaker of the House Ben Lujan, co-chair.

Present

Senator Ben D. Altamirano, Co-Chair
Representative Ben Lujan, Co-Chair
Senator Kent L. Cravens
Senator Stuart Ingle
Representative W. Ken Martinez
Senator Leonard Lee Rawson
Senator Michael S. Sanchez
Representative Sheryl Williams Stapleton
Representative Thomas C. Taylor
Representative Jeannette O. Wallace

Absent

Senator Pete Campos
Senator Carlos R. Cisneros
Representative Daniel R. Foley
Senator Timothy Z. Jennings
Representative Rhonda S. King
Representative Rick Miera

Special Advisory Members Present

Representative Janice E. Arnold-Jones
Representative Donald E. Bratton
Senator Dianna J. Duran
Representative Antonio Lujan
Representative James Roger Madalena
Senator Cisco McSorley
Senator Steven P. Neville
Senator Lidio G. Rainaldi
Senator John Arthur Smith
Representative Peter Wirth

Special Advisory Members Absent

Senator Mary Jane M. Garcia
Representative Al Park
Senator H. Diane Snyder

Staff

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

Speaker Lujan named Representative Madalena, and Senator Altamirano named Senator McSorley, as voting members of the council for the duration of the meeting for the purposes of a quorum.

The minutes of the June 26, 2007 meeting of the council were approved as submitted.

The council welcomed a group of students from the University of New Mexico.

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 attached to the original of these minutes.

The work plan and meeting dates of the Ethics Subcommittee were approved as submitted. The council named Representative Martinez and Senator Michael S. Sanchez as co-chairs of the subcommittee. The council also discussed whether the subcommittee would be able to view actual drafts of bills or would simply issue recommendations. Several members noted that although the Governor's Ethics Task Force made recommendations during the last interim and that there were no bill drafts, the legislature had to develop bills based off of those recommendations, which was difficult because the details involved in developing such legislation often presented problems that made agreement on, and passage of, those concepts difficult.

A budget of \$17,011.30 was also approved.

The work plan and meeting dates of the Capital Outlay Subcommittee were approved as submitted. Staff noted that Representative Marquardt and Senator Fidel had been members of the committee during the 2006 interim. The council replaced them with Representative Taylor and Senator Cisneros. Staff also pointed out that the meeting dates for the subcommittee had been selected because they were not in conflict with any other committee's meeting dates.

A budget of \$19,024.65 for voting members and \$8,534.50 for advisory members was also approved.

Ms. Tackett explained that, during the council's June 26, 2007 meeting, the council had discussed appointing the Border Security Interim Committee. She went on to note that while the members present had voted 5-3 in favor of appointing the committee, she mistakenly announced that the vote had failed because a majority of Senate members voted against the motion. Ms. Tackett explained that she incorrectly remembered the policy by which one house can block the action of the other. She indicated that although she had announced that the three senators voting against the motion, while only two voted in favor of it, was sufficient for the Senate to block the motion, the policy actually states that a majority of the members appointed to the council, not merely present, was required for one house to block another's action.

Members of the council had a lengthy discussion about the ramifications of the misunderstanding. Speaker Lujan summarized the issue for the members who had not been present at the previous meeting. He explained that a memorial calling for the appointment of a Border Security Interim Committee had passed both houses during the last legislative session and that the council had discussed the memorial at the last meeting. Speaker Lujan went on to indicate that he believed the motion actually did pass.

After some discussion, the council decided to vote again on appointment of the committee. Representatives Lujan, Martinez, Stapleton and Madalena and Senators Altamirano and McSorley voted in favor of appointing the committee. Representatives Taylor and Wallace and Senators Cravens, Ingle, Rawson and Michael S. Sanchez voted against the motion. On a 6-6 tie, the motion failed.

Interim Committee Requests

The council authorized the Mortgage Finance Authority Act Oversight Committee to change its meeting dates and meet in Las Cruces in October.

Staff Reports

Legislative interns Jacob Winowich and Lisa Neil were introduced to the council.

Ms. Tackett provided the council with a brief update from the Office of the State Engineer on the *Aamodt* water settlement.

In response to a question from Representative Madalena, Ms. Tackett indicated there is still some concern over whether New Mexico should appropriate money to signal to the federal government its intention to move forward with the terms of the settlement, or whether the state should wait until the federal government produces some funding for its share of the settlement.

Mr. Yaeger provided the council with an update on the pilot program begun earlier in the interim that allows members to receive per diem and mileage payments for attending up to four interim committee meetings of which they are not members. He noted that about six members had taken advantage of the program so far.

In response to a question from Speaker Lujan, Mr. Yaeger explained that the day limitation does not apply to travel days, so that a member may claim whatever travel days are necessary in order for the member to attend a committee's meeting without the travel days counting against the four meeting days allowed by the pilot program. He also pointed out that two policies actually govern per diem payments for travel days: the first allows members to claim whatever travel days are necessary for them to attend a meeting and return home; the other allows members who travel more than 100 miles on the day of a meeting to claim an extra day of per diem on their vouchers.

There being no further business, the council adjourned at 1:22 p.m.