



**MINUTES  
of the  
THREE-HUNDRED-TWENTY-THIRD MEETING  
of the  
LEGISLATIVE COUNCIL  
June 24, 2009  
Santa Fe**

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The three-hundred-third meeting of the Legislative Council was called to order on Wednesday, June 24, 2009, at 10:21 a.m. in Room 307 of the State Capitol by Senator Timothy Z. Jennings, co-chair.

**Present**

Senator Timothy Z. Jennings, Co-Chair  
Representative Ben Lujan, Co-Chair  
Senator Carlos R. Cisneros  
Senator Dianna J. Duran  
Representative Keith J. Gardner  
Senator Stuart Ingle  
Representative Rhonda S. King  
Representative W. Ken Martinez  
Senator Cisco McSorley  
Representative Rick Miera  
Senator William H. Payne  
Representative Thomas C. Taylor  
Representative Jeannette O. Wallace

**Absent**

Senator Michael S. Sanchez  
Representative Sheryl Williams Stapleton

**Special Advisory Members Present**

Representative Eliseo Lee Alcon  
Representative Donald E. Bratton  
Representative Anna M. Crook  
Representative Brian F. Egolf, Jr.  
Senator Mary Jane M. Garcia  
Representative Antonio Lujan  
Representative James Roger Madalena

**Special Advisory Members Absent**

Senator Pete Campos  
Senator Kent L. Cravens  
Representative Al Park  
Senator John Arthur Smith

**Staff**

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

On a motion made, seconded and unanimously approved, the minutes of the May 7, 2009 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. The council reduced a number of budget requests but authorized the committees to return to the council to request additional money, should it be necessary. A copy of each work plan and budget is attached to the original of these minutes.

The work plan and meeting dates for the Mortgage Finance Authority Act Oversight Committee were approved as submitted. A budget of \$13,027 for voting members and \$17,517 for advisory members was also approved.

The work plan and meeting dates for the Revenue Stabilization and Tax Policy Committee, including a change in the council-suggested July meeting dates and an October meeting away from the State Capitol, were approved as submitted. A budget of \$65,000 for voting members was also approved.

The work plan and meeting dates for the Radioactive and Hazardous Materials Committee, including an October meeting away from the State Capitol, were approved as submitted. A budget of \$22,000 for voting members and \$18,571 for advisory members was also approved.

The work plan and meeting dates of the Science, Technology and Telecommunications Committee were approved as submitted. A budget of \$20,000 for voting members and \$19,476 for advisory members was also approved.

The work plan and meeting dates for the Water and Natural Resources Committee, including an October meeting away from the State Capitol and a proposed December 1 meeting, were approved as submitted. A budget of \$50,000 for voting members, which includes \$4,000 for an acequia subcommittee, and \$73,312 for advisory members was also approved.

The work plan and meeting dates for the Land Grant Committee, including an October meeting away from the State Capitol, were approved as submitted. A budget of \$20,000 for voting members and \$12,452 for advisory members was also approved.

The work plan, meeting dates and a budget of \$22,941 for voting members, \$24,225 for advisory members and \$12,000 for professional services for the Investments Oversight Committee were approved as submitted.

The work plan and meeting dates for the Retirement Systems Solvency Task Force were approved as submitted. Staff explained that the budget request for professional services involves analysis of the actuarial soundness of retirement systems and contemplation of specific

scenarios. A budget of \$14,000 was also approved, with the council directing staff to wait before contracting for professional services.

The work plan for the Economic and Rural Development Committee was approved as submitted. The council discussed the committee's proposal to form a Regulatory Process Subcommittee to review the model Administrative Procedures Act, which would meet four times during the interim. The council also discussed whether the subcommittee would be appointed by the committee chair or by the Legislative Council and whether or not to add members of other committees to the proposed subcommittee.

The council approved the creation of the Regulatory Process Subcommittee, which would be appointed by the council and would include members from the Economic and Rural Development Committee, the Revenue Stabilization and Tax Policy Committee and the Courts, Corrections and Justice Committee. The subcommittee was authorized to meet for one two-day meeting.

A budget of \$45,000 for voting members of the Economic and Rural Development Committee, including the subcommittee, and \$53,240 for advisory members was also approved.

The work plan and meeting dates (including October and November meeting dates outside of Santa Fe) for the Indian Affairs Committee were approved as submitted. The committee's request to form a subcommittee to address uranium mining issues, specifically to focus on legacy site cleanup on native and non-native lands, was also approved, provided that it is appointed by the council and composed of members from both the Indian Affairs Committee and the Radioactive and Hazardous Materials Committee. The subcommittee was authorized to hold one two-day meeting.

A budget of \$45,000 for voting members of the Indian Affairs Committee, including the subcommittee meeting, and \$33,995 for advisory members was also approved.

The meeting dates for the Courts, Corrections and Justice Committee, including an October meeting away from the State Capitol, were approved as submitted. The committee's work plan was amended to include items addressing the Bernalillo County Metropolitan Detention Center and perpetual care fund issues.

The amended work plan and a budget of \$41,970 for voting members and \$40,210 for advisory members were approved.

The work plan for the Legislative Health and Human Services Committee was amended to include the creation of a Disabilities Concerns Subcommittee, which will be appointed by the speaker and president pro tempore. The committee's meeting dates were altered to reflect that the subcommittee will meet in Albuquerque instead of Angel Fire. The committee also requested a one-day subcommittee on health care to meet jointly with the LFC.

The amended work plan and meeting dates and a budget of \$30,000 for voting members, \$85,078 for advisory members and \$2,500 for professional services were approved.

The work plan for the Military and Veterans' Affairs Committee was amended to include national guard deployment and mission issues. The committee's meeting dates, including an October meeting away from the State Capitol, were approved as submitted. A budget of \$18,037 for voting members and \$22,407 for advisory members was also approved.

The work plan and meeting dates for the Tobacco Settlement Revenue Oversight Committee were approved as submitted. A budget of \$6,800 for voting members and \$9,394 for advisory members was also approved.

The work plan and meeting dates, including an October meeting away from State Capitol, for the New Mexico Finance Authority Oversight Committee were approved as submitted. A budget of \$60,000 for voting members and \$60,434 for advisory members was also approved.

The meeting dates for the Public School Capital Outlay Oversight Task Force were approved as submitted. The committee's work plan was amended to include examination of the use of out-of-state contractors on some projects. A budget of \$30,000 for voting members was also approved.

Staff noted that traditionally, the Legislative Committee on Compacts and the Interim Legislative Ethics Committee do not fully develop work plans and budgets because they typically meet only as necessary. A budget of \$5,200, enough hold a one-day meeting, was approved for each committee.

Senator Jennings indicated that Senator Tim Eichenberg would be removed as an advisory member to the Economic and Rural Development Committee and would be replaced by Senator David Ulibarri.

Speaker Lujan removed Representative Andy Nuñez as a designee on the Revenue Stabilization and Tax Policy Committee.

### **Independent Operational and Fiduciary Review Scope and Costs**

Ms. Tackett indicated that the council at its May 7, 2009 meeting had directed the LCS to approach the State Board of Finance to determine if the executive was interested in joining with the LCS to conduct an independent review of the practices surrounding the state's trust funds. She noted that the governor subsequently issued a press release agreeing to join in the review and directed the State Board of Finance to work with staff. The board also authorized the use of \$200,000 for the review. Ms. Tackett went on to explain that an additional \$100,000 from the LCS interim expense account and from the LFC was anticipated to be necessary, and she recommended that a request for proposals (RFP) be issued. She also cautioned that the time frame for accomplishing the proposed review is short and that, if the council so directed, the RFP

could be advertised in about a week and a contract recipient could be in place by August. Ms. Tackett also provided the council with draft language on the review's scope.

The council had a lengthy discussion about various aspects-of the review, including:

- how the findings would be reported back to the legislature and the governor;
- the need for legislative participation in the process to help with development of any legislation that may be deemed necessary after the review is complete;
- a mechanism to employ if agencies are uncooperative with the review;
- the value of having RFP applicants disclose past work history to help discern conflicts of interest;
- that the RFP review team, if approved by the council, would be composed of representatives from the LCS, LFC, Department of Finance and Administration and State Board of Finance;
- the involvement of legislators in the review of RFP language;
- an appropriate legal review and a concern that some of the results of the review could create a conflict with ongoing litigation regarding past state investments;
- the importance of ensuring that respondents to the RFP are nonpartisan;
- the importance of issuing the RFP quickly to ensure that the review is completed in time to develop legislation for the 2010 session; and
- the possibility of appointing a subcommittee to review the RFP language.

On a motion made, seconded and approved, the council directed staff to proceed with issuance of the RFP and authorized up to \$100,000 from the interim expense account with the understanding that the council would want to review the content of the contract before signing it. Speaker Lujan and Senator McSorley voted NO on the motion.

### **Staff Reports**

Ms. Tackett noted that while two percent of the legislative budget had been reduced in the feed bill, additional budget reductions would be necessary. She explained that an additional \$237,000 could be saved by reducing the amount transferred from the legislative interim expense account for pre-session expenses and the Legislative Information Systems budget. Ms. Tackett pointed out that in previous years, expenditures from those two areas have yielded leftover amounts, and she pointed out that reducing the budget in those areas would likely eliminate the need to take funds from other areas.

On a motion made, seconded and unanimously approved, the council authorized staff's recommendation to reduce the amount needed for the Legislative Information Systems budget and for session preparation expenses from the legislative interim expense account.

Ms. Tackett noted that House Memorial 79 from the 2009 session requested that the legislature send a letter to executive agencies reminding them that reports to the legislature should be fewer than five pages. She indicated that staff would send such a letter to all the executive agencies.

Members of the Courts, Corrections and Justice Committee were authorized to receive per diem and mileage payments for attending the Uniform Law Commission conference in Santa Fe in July. Ms. Tackett also noted that a reception is planned for the uniform law commissioners in the State Capitol on July 14, 2009 from 5:30 p.m. to 7:00 p.m.

Senator Jennings announced that Senator Sue Wilson Beffort would replace Senator Sander Rue on the Interim Legislative Ethics Committee.

**Fiscal Year 2010 Budgets**

Ms. Tackett and Ms. Pacheco-Dofflemeyer presented the council with the proposed budgets for the LCS, Senate Chief Clerk's Office, House Chief Clerk's Office and leadership offices. They noted that they were the same budgets reviewed by the legislature during the 2009 session as the feed bill was being developed.

On a motion made, seconded and unanimously approved, the 2010 budget requests for the LCS, Senate Chief Clerk's Office, House Chief Clerk's Office and leadership offices were approved as submitted.

There being no further business, the council adjourned at 2:15 p.m.