



**MINUTES**  
**of the**  
**THREE-HUNDRED-THIRTIETH MEETING**  
**of the**  
**LEGISLATIVE COUNCIL**  
**June 29, 2010**  
**Santa Fe**

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The three-hundred-thirtieth meeting of the New Mexico Legislative Council was called to order on Tuesday, June 29, 2010, at 9:15 a.m. in Room 307 of the State Capitol by Speaker Ben Lujan, 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 W. Ken Martinez  
Senator Cisco McSorley  
Senator William H. Payne  
Senator Michael S. Sanchez  
Representative Sheryl Williams Stapleton  
Representative Thomas C. Taylor  
Representative Jeannette O. Wallace

**Special Advisory Members Present**

Representative Eliseo Lee Alcon  
Representative Donald E. Bratton  
Representative Anna M. Crook  
Representative Brian F. Egolf, Jr.  
Representative James Roger Madalena

**Guest Legislator**

Representative Patricia A. Lundstrom

**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

**Absent**

Representative Rhonda S. King  
Representative Rick Miera

**Special Advisory Members Absent**

Senator Pete Campos  
Senator Kent L. Cravens  
Senator Mary Jane M. Garcia  
Representative Antonio Lujan  
Senator George K. Munoz  
Representative Al Park  
Senator John Arthur Smith

## **Tuesday, June 29**

On a motion made, seconded and unanimously approved, the minutes of the May 12, 2010 meeting of the New Mexico Legislative Council were approved as submitted.

### **Interim Committee Work Plans and Budgets**

Mr. Burciaga noted that the council had directed staff to reduce the overall number of meetings and the number of meetings held outside of the State Capitol, as well as to request each committee to focus its work plan on helping to develop recommendations for the Government Restructuring Task Force (GRTF). He indicated that comparing the interim committees appointed for the 2010 interim to those that existed during the 2009 interim shows a reduction in total meetings, but he pointed out that the creation of the GRTF and the Health Care Reform Working Group adds a significant number of meetings to this interim. Mr. Burciaga also noted that the number of proposed meetings outside of the State Capitol has been drastically reduced and that each work plan reflects the requests made on behalf of the GRTF.

Mr. Burciaga also noted that Representative King's mother had suffered a stroke and while she would not be attending the meeting, she thanked everyone for their concern. He also pointed out that directions to funeral services for Bud Mulcock were included in each member's meeting packet.

The work plan and meeting dates for the New Mexico Finance Authority Oversight Committee, including an August meeting in Deming, were approved as submitted. Speaker Lujan named Representative Roberto "Bobby" J. Gonzales as a voting member and moved Representative Elias Barela from voting member to advisory. A budget of \$51,980.50 for voting members and \$48,464 for advisory members was also approved.

The work plan of the Water and Natural Resources Committee was amended to include an item regarding federal designation of flood zones. The committee's request to change its July meeting dates was approved. The council also authorized the committee to meet in Las Cruces, but only in lieu of one of its existing meetings, not an additional one. A budget of \$50,267 for voting members and \$46,883 for advisory members was approved as submitted.

In response to a question from Senator McSorley, Speaker Lujan explained that while holding meetings in the State Capitol saves some money on staff travel, state agencies also save money by not having to send several people to out-of-town meetings each month.

Mr. Burciaga indicated that several requests have been made to the Department of Finance and Administration for information regarding costs associated with sending executive agency staff to out-of-town legislative interim committee meetings.

The work plan and meeting dates of the Land Grant Committee, including one extra day to meet jointly with the Indian Affairs Committee and a meeting in Ribera, were approved as

submitted. A budget of \$22,744 for voting members and \$11,529 for advisory members was also approved.

The work plan and meeting dates of the Retirement Systems Solvency Task Force were approved as submitted. A budget of \$15,865 was also approved.

The work plan and meeting dates of the Revenue Stabilization and Tax Policy Committee were approved as submitted. A budget of \$65,000 was also approved.

The work plan and meeting dates of the Radioactive and Hazardous Materials Committee were approved as submitted. A budget of \$24,000 for voting members and \$19,574 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 \$20,000 for voting members and \$21,846 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. Representative Madalena was appointed to serve on the task force as a representative of the Indian Affairs Committee. A budget of \$25,000 was also approved.

The work plan and meeting dates of the Mortgage Finance Authority Act Oversight Committee, including an August meeting in Las Cruces, were approved as submitted. A budget of \$12,500 for voting members and \$24,425 for advisory members was also approved.

The meeting dates for the Economic and Rural Development Committee, including a September meeting in Las Cruces, were approved as submitted. The work plan was amended to remove an item regarding legacy cleanup of uranium and coal mining, which the council indicated should fall under the purview of the Radioactive and Hazardous Materials Committee and the Indian Affairs Committee. The amended work plan and a budget of \$35,000 for voting members and \$44,780 for advisory members were approved.

Staff presented a proposed work plan for the Regulatory Reform Subcommittee. The council had a lengthy discussion about whether such a subcommittee needs to exist and, if so, what it should review. Several members noted that the rulemaking process does not allow for sufficient legislative oversight and that the entire process deserves some scrutiny. Other members objected to the notion that the rulemaking and regulation process requires reform, noting that the subcommittee's name suggests as much. Other members of the council suggested that the subcommittee may be helpful by stemming some of the knee-jerk reactions that occur during legislative sessions.

A motion was made and seconded to change the name of the subcommittee to the Regulatory Process Subcommittee and remove the following items from the proposed work plan:

1. identify the goals and need for regulatory framework;
2. review the New Mexico Legislative Council directive and intentions to the interim Economic and Rural Development Committee to include regulatory reform on its annual work plan;
3. review the Economic and Rural Development Committee's outcomes on this issue;
4. review regulatory reform legislation, results, barriers, etc.; and
6. review rulemaking and adjudicatory and accountability systems in other states.

The motion passed on a vote of 7-5, with Representatives Gardner, Taylor and Wallace and Senators Duran and Jennings voting NO.

The meeting dates and a budget of \$8,427 for voting members and \$677 for advisory members were also approved.

The work plan for the Indian Affairs Committee was approved as submitted. The meeting dates were changed, with the committee meeting on September 14 in Gallup and September 15 in Thoreau and shortening the October meeting from three days to two days. A budget of \$40,000 for voting members and \$31,556 for advisory members was also approved.

The work plan for the Military and Veterans' Affairs Committee was approved as submitted. The meeting dates were changed, with the committee meeting in Rio Rancho on July 21. A budget of \$14,000 for voting members and \$18,278 for advisory members was also approved.

The work plan and meeting dates for the Courts, Corrections and Justice Committee were approved as submitted. A budget of \$32,000 for voting members and \$39,088 for advisory members was also approved.

The work plan and meeting dates for the Legislative Health and Human Services Committee were approved as submitted. Members of the council questioned the need for a consultant, which staff explained was for testimony regarding insurance rate-making.

The council also appointed the following members to the Disabilities Concerns Subcommittee: Representatives Gardner, Antonio Lujan and Danice Picraux and Senators Rod Adair, Mary Kay Papen and Nancy Rodriguez. Senator Rodriguez will serve as chair of the subcommittee.

A budget of \$32,000 for voting members, which includes both the Legislative Health and Human Services Committee and the Disabilities Concerns Subcommittee but not the consultant services, and \$84,253 for advisory members was also approved.

The meeting dates and a budget of \$22,737 for voting members and \$7,537 for advisory members for the Health Care Reform Working Group were approved as submitted.

The work plan and meeting dates of the Tobacco Settlement Revenue Oversight Committee were approved as submitted. A budget of \$6,000 for voting members and \$8,812 for advisory members was also approved.

The work plan and meeting dates for the Investments Oversight Committee were approved as submitted. A budget of \$14,817.50 for voting members and \$19,227.50 for advisory members was also approved.

The Legislative Committee on Compacts was authorized to meet should the need arise this interim.

Staff explained that the Legislative Ethics Committee meets only as necessary to consider requests for advisory opinions or to consider complaints filed against legislators. A budget of \$6,172, the cost of a one-day meeting in Santa Fe, was approved.

### **Other Committee Business**

Representative Wallace moved that staff be directed to expeditiously begin webcasting as many interim committee meetings as practicable within budget and scheduling constraints by exploring the possibility of using the resources of the New Mexico Computer Applications Center's videoconferencing system, the legislature's current webcasting equipment or any other cost-effective means the staff can identify, and that the webcasts be produced in substantially the same manner as the webcasts produced during the session, that they not be archived and that only the official portions of the meeting be webcast.

Some members expressed reservations about webcasting, while others suggested moving forward and reporting to the council at the next meeting. Other members pointed out that webcasting would allow the public to follow interim committee meetings, even though most committees are not holding meetings outside of Santa Fe this interim.

The motion passed without objection.

Reimbursement for airfare and registration fees for legislatively appointed members of the Uniform Law Commission were approved.

There being no further business, the council adjourned at 12:30 p.m.