



**MINUTES  
of the  
THREE-HUNDRED-FIFTY-FOURTH MEETING  
of the  
LEGISLATIVE COUNCIL  
May 5, 2014  
Santa Fe**

The three-hundred-fifty-fourth meeting of the Legislative Council was called to order on Monday, May 5, 2014, at 10:30 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  
Rep. Nate Gentry  
Sen. Stuart Ingle  
Rep. Antonio "Moe" Maestas  
Rep. Rick Miera  
Sen. Clemente Sanchez  
Rep. Sheryl Williams Stapleton  
Rep. Thomas C. Taylor

**Special Advisory Members Present**

Rep. Eliseo Lee Alcon  
Rep. Thomas A. Anderson  
Rep. Mary Helen Garcia  
Rep. Roberto "Bobby" J. Gonzales  
Rep. Jason C. Harper  
Sen. Daniel A. Ivey-Soto  
Rep. James Roger Madalena  
Sen. Cisco McSorley  
Rep. Debbie A. Rodella  
Sen. Benny Shendo, Jr.  
Sen. John Arthur Smith  
Rep. Carl Trujillo

**Guest Legislator**

Rep. Luciano "Lucky" Varela

**Absent**

Sen. Timothy M. Keller  
Sen. William H. Payne  
Sen. Michael S. Sanchez  
Sen. William E. Sharer

**Special Advisory Members Absent**

Sen. Pete Campos  
Rep. Stephanie Garcia Richard  
Sen. Mark Moores  
Sen. George K. Munoz  
Sen. Cliff R. Pirtle  
Rep. Don L. Tripp

## **Staff**

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

## **Approval of Minutes**

On a motion made, seconded and unanimously passed, the minutes of the three-hundred-fifty-third meeting of the council, from January 20, 2014, were approved as submitted.

## **Interim Committee Business**

The council reappointed 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, Tim D. Lewis, Tomás E. Salazar, James E. Smith, Christine Trujillo and Bob Wooley and Senators Jacob R. Candelaria, Lee S. Cotter, Ivey-Soto, 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, Doreen Y. Gallegos and Terry H. McMillan and Senators Kernan, Moores and Shendo. Advisory members are Representatives Phillip M. Archuleta, Cote, Miguel P. Garcia, Sandra D. Jeff, Paul A. Pacheco, Vickie Perea, Sandoval and Thomson and Senators Beffort, Brandt, Candelaria, Ivey-Soto, Lopez, McSorley, Bill B. O'Neill, Papen, Nancy Rodriguez, Rue, Soules and Lisa A. Torracco.

Behavioral Health Subcommittee: Representative Thomson will serve as chair and Senator Shendo will serve as vice chair. Other voting members are Representatives Jeff, Pacheco and Sandoval and Senators Beffort, Brandt, Morales, O'Neill, Ortiz y Pino, Papen and Rue.

Disabilities Concerns Subcommittee: Representative Doreen Y. Gallegos will serve as chair and Senator Rodriguez will serve as vice chair. Other voting members are Representatives Espinoza and Madalena and Senators Brandt and Lopez. Advisory members are Representatives Archuleta, Miguel P. Garcia, Sandoval and Thomson.

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 Torracco.

Mortgage Finance Authority Act Oversight Committee: Senator Rodriguez will serve as chair and Representative Ernest H. Chavez 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, Jeff and Madalena and Senators Martinez, O'Neill, Ortiz y Pino, Padilla and Rue.

New Mexico Finance Authority Oversight Committee: Senator Joseph Cervantes will serve as chair and Representative Lundstrom will serve as vice chair. Other voting members are Representatives Baldonado, Chavez, Candy Spence Ezzell, Gonzales, Hall, Dona G. Irwin, Jane E. Powdrell-Culbert, Rodella, Saavedra, James R.J. Strickler and White and Senators Cotter, Griego, Ron Griggs, Padilla, John C. Ryan and Soules. Advisory members are Representatives

Sharon Clahchischilliage, Crook, Egolf, Kelly K. Fajardo, Mary Helen Garcia, Herrell, Emily Kane, W. Ken Martinez, Sandoval, Stapleton, Taylor and Monica Youngblood and Senators Beffort, Candelaria, Ingle, Keller, Munoz, O'Neill, Papen, Payne, Pinto, Rodriguez and Clemente Sanchez.

Public School Capital Outlay Oversight Task Force: Representative Stewart will serve as chair and Senator Sapien will serve as vice chair. Other voting members are Representatives Larrañaga, Madalena, W. Ken Martinez, Saavedra and Smith and Senators Papen, Pirtle, Rue, Shendo and Smith. Advisory members are Representatives Alcon, Clahchischilliage, 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: Representative Sandoval will serve as chair and Senator Cisneros 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, 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.

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, 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: Representative Rodella will serve as chair and Senator Morales 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, 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, Baldonado, Clahchischilliage, Lundstrom, Madalena and Powdrell-Culbert and Senators Martinez, Pirtle, Rodriguez, Ryan, Shendo and Soules. Advisory members are Representatives Chavez, Cook, 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: Senator Candelaria will serve as chair and Representative Miguel P. Garcia 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, Perea and Christine Trujillo and Senators Cisneros and Keller.

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

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

The council also authorized the speaker and president pro tempore, in consultation with the Senate Committees' Committee, to make additional changes to interim committees.

Mr. Burciaga noted that letters would be mailed advising all members of their committee assignments.

Mr. Burciaga also noted that there were eight requests for new interim committees:

- a children's council;
- a tax process and reform subcommittee of the Revenue Stabilization and Tax Policy Committee;
- continuation of the Transportation Infrastructure Revenue Subcommittee;
- a work group to review New Mexico's telecommunications statutes;
- a broadband network infrastructure task force;
- a Medicaid disabilities services oversight council;
- delivery of services to sexually exploited minors and safe harbor laws; and
- wrap-up work for the Natural Gas Emergency Investigation Task Force, which was formed in 2011.

Mr. Burciaga said that Senator Griego, who had initially requested the telecommunications work group, had indicated that he thought a handful of meetings with stakeholders would likely suffice and that a committee may not be necessary.

Representative Bratton noted that the number of interim committees has grown too large and that the committees' work has grown repetitive, causing the legislature to lose focus. He suggested that the council not create any more committees and instead:

- have chairs and vice chairs of existing committees review these requests to see if they fall within the scope of their committee;
- encourage committee chairs to work together to avoid duplication of effort; and
- encourage committees to hold joint meetings with one another to discuss overlapping subject matter.

The council discussed Representative Bratton's suggestions. Several members noted that much of the work proposed by the new committees could be done by existing ones.

In response to a question from Representative Gonzales about the re-creation of the Transportation Infrastructure Revenue Subcommittee, Speaker Martinez indicated that it had been reappointed with the other committees.

Representative Gonzales also noted that the Natural Gas Emergency Investigation Task Force only needs to meet once to finalize its report.

Speaker Martinez recommended that, instead of creating new committees, the existing process absorb the proposed work of the new committees. For example, he explained that the

work of the children's council could be spread across several committees, with the Legislative Education Study Committee looking at early childhood education; the Legislative Finance Committee discussing funding for children across state government; the Courts, Corrections and Justice Committee studying child safety and justice issues; and the Legislative Health and Human Services Committee and its subcommittees looking into child health and hunger issues. He also pointed out that, in addition to it being an election year, there are only about 115 days available during the interim for committees to meet.

Representative Madalena expressed some concern over dissolving any of the health-related subcommittees, noting that the Legislative Health and Human Services Committee will likely not be able to complete its work during the time available and might already have to request extra meeting days.

On a motion made, seconded and approved, the council did not create any new interim committees and directed interim committee chairs to avoid duplication of effort and overlap by reviewing work plans and holding joint meetings whenever possible.

The council also indicated that it would review proposed work plans at the June 23 meeting and add to them as appropriate in order to address the issues raised in the requests calling for the creation of new interim committees.

In response to a question from Senator McSorley, Mr. Burciaga explained that staff will develop an interim committee calendar that minimizes conflicts among voting members and distribute it to members at organizational meetings, with the council finalizing it at the June meeting.

### **Out-of-State Travel**

Mr. Burciaga explained that Section 10-8-5 NMSA 1978 prohibits members who are not running for the seat they currently hold, or who have been defeated in a primary or general election, from being reimbursed for out-of-state travel without approval from three-fourths of the Legislative Council.

On a motion made, seconded and unanimously approved, the council authorized reimbursement for out-of-state travel to non-returning members.

### **Fiscal Year 2015 Budgets**

Mr. Burciaga provided the council with copies of the budgets for the LCS, House Chief Clerk's Office and Senate Chief Clerk's Office as appropriated. He explained that while the amounts are identical to those contained in House Bill 1, approved budgets still have to be submitted to the Department of Finance and Administration.

On a motion made, seconded and unanimously approved, the budgets for the LCS and the house and senate chief clerks' offices were approved as submitted.

## **Use of Chambers**

Mr. Burciaga explained that the YMCA Youth in Government program, a student organization, had used the chambers in April. He also noted that the Model United Nations program, another student group, requested use of the chambers in November, and that both groups make annual requests for use of the chambers. He suggested considering some type of standing approval for the two groups.

On a motion made, seconded and unanimously approved, use of the chambers for the YMCA and Model United Nations on a continuing basis, subject to availability, was authorized.

Steve Arias, house chief clerk, indicated that a request for proposals (RFP) for a new voting system in the house chambers is being developed. He noted that information technology (IT) staff would have to come in one month earlier than usual to work on the voting system, which he explained might conflict with the student groups' use of the chambers.

Lenore Naranjo, senate chief clerk, indicated that voting board upgrades for the senate chambers, as well as some work on the ceiling, would also be under way throughout the interim. She noted that her IT staff would also likely have to come in earlier than usual.

The council directed the clerks to work with Mr. Burciaga to try to accommodate the student groups.

## **Staff Reports**

Mr. Burciaga noted that the ceiling in the house chambers had been repaired last year and that the ceiling in the senate chambers would undergo similar repairs this year.

Mr. Burciaga said that, after a lengthy development process with Mr. Arias and Ms. Naranjo, the RFPs for voting and display systems in the house and senate were issued earlier that day.

Mr. Burciaga said that several other projects would be under way throughout the interim, including new carpet in both the house and senate chambers and galleries; overhaul of the elevators on both the east and west sides of the building; new carpet in the LCS; and a reconfiguration of the restroom in the house lounge that should allow for access to both men's and women's restrooms from the lounge.

Mr. Burciaga also noted that the legislative web site would be revamped and upgraded and that a survey regarding web site improvements would be launched shortly.

Mr. Burciaga also provided members of the council with the *Highlights* publication from the 2014 session.

In response to a question from Representative Garcia, Mr. Burciaga said that there probably will not be enough money left over from the various State Capitol improvement projects to allow for new chairs in the chambers for members.

In response to a question from Representative Stapleton, Mr. Burciaga explained that a special appropriation was included in Senate Bill 313 for building upgrades and that staff believes that while the appropriation is sufficient to cover reconfiguration of the house lounge bathroom, it will not cover new chairs in the chambers.

Speaker Martinez emphasized the importance of both having access to both men's and women's bathrooms from the house lounge and having the project completed before the next regular session.

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