



**MINUTES  
of the  
THREE-HUNDRED-THIRTIETH MEETING  
of the  
LEGISLATIVE COUNCIL  
May 12, 2010  
Santa Fe**

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The three-hundred-thirtieth meeting of the Legislative Council was called to order on Wednesday, May 12, 2010, at 1:50 p.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 Michael S. Sanchez  
Representative Sheryl Williams Stapleton  
Representative Thomas C. Taylor

**Absent**

Senator William H. Payne  
Representative Jeannette O. Wallace

**Special Advisory Members Present**

Representative Eliseo Lee Alcon  
Representative Donald E. Bratton  
Representative Anna M. Crook  
Senator Mary Jane M. Garcia  
Representative James Roger Madalena  
Senator George K. Munoz  
Representative Al Park

**Special Advisory Members Absent**

Senator Pete Campos  
Senator Kent L. Cravens  
Representative Brian F. Egolf, Jr.  
Representative Antonio Lujan  
Senator John Arthur Smith

**Staff**

Paula Tackett, Director, Legislative Council Service (LCS)  
Raúl E. Burciaga, Assistant Director for Drafting Services, LCS  
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, 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 March 31, 2010 meeting of the Legislative Council were approved as submitted.

### **Director's Announcement**

Ms. Tackett announced that she will retire as director of the LCS, effective June 11, 2010. She emphasized how much she loved the time she spent at the LCS, first as a bill drafter, then as assistant director and for the past 23 years as director. She also thanked the Legislative Council for the opportunity to have served as LCS director. Ms. Tackett went on to note that she is leaving behind a competent, professional and dedicated staff, without which she could not have done her job. She expressed her gratification to have served the legislature, the legislative institution and the residents of the state. Ms. Tackett noted that while her predecessor, Clay Buchanan, was irreplaceable, he was not indispensable, and the LCS staff will continue to serve the New Mexico Legislature.

Speaker Lujan thanked Ms. Tackett for her years of service, noting that her hard work will never be forgotten by the legislature.

Senator Jennings noted that the round table located in the LCS break room, which was where Mr. Buchanan spent much of his time reading bills and talking with legislators, helped legislators think of the LCS as part of the legislative family. On behalf of all New Mexicans, he thanked Ms. Tackett for her years of service and suggested she share her vast knowledge of the legislative process with others.

Senator Ingle acknowledged that the legislature can often be a difficult environment and that some legislators treat the LCS staff poorly, making it a thankless job. He thanked Ms. Tackett for helping make the legislature look smart.

Representative Taylor noted that not many people understand the job of the LCS director, and even fewer appreciate it, and he thanked Ms. Tackett for her years of service.

Senator Garcia also thanked Ms. Tackett for her service to the legislature.

Representative Martinez stated that Ms. Tackett is irreplaceable and that her love for the job is unmistakable.

On a motion made, and without objection, the council went into executive session to discuss the position of the LCS director and potential litigation.

After the executive session, it was moved and seconded that Mr. Burciaga be named to succeed Ms. Tackett as director of the LCS. The motion carried, 12-1, with Senator McSorley voting NO.

On a motion made, seconded and unanimously approved, the council set Mr. Burciaga's salary at \$125,000 per year.

Additionally, staff was directed to continue to pursue the efficacy of the Section 218 agreement with regard to employment taxes.

## **Interim Committees**

### Continuation of Appointments

On a motion made, seconded and unanimously approved, the council continued the interim committee appointments made in 2009, noting that some chairs and vice chairs will stay or shift where traditionally appropriate. The council also authorized leadership to make any necessary changes to committee membership.

## **Statutory Committees**

Legislative Council: Speaker Lujan and Senator Jennings will serve as co-chairs. Other voting members are Representatives Gardner, King, W. Ken Martinez, Miera, Stapleton, Taylor and Wallace and Senators Cisneros, Duran, Ingle, McSorley, Payne and Michael S. Sanchez. Special advisory members are Representatives Alcon, Bratton, Crook, Egolf, Antonio Lujan, Madalena and Park and Senators Campos, Cravens, Garcia, Munoz and Smith.

Legislative Education Study Committee: Senator Nava will serve as chair and Representative Miera will serve as vice chair. Other voting members are Representatives Gonzales, Hall, Roch, Stewart and Thomas and Senators Garcia, Kernan and Lovejoy. Advisory members are Representatives Barreras, Begaye, Eleanor Chavez, Cote, Espinoza, Mary Helen Garcia, Giannini, Heaton, Stapleton and Tyler and Senators Asbill, Fischmann, Morales, Pinto, Rue and Sharer.

Legislative Finance Committee: Representative Varela will serve as chair and Senator Smith will serve as vice chair. Other voting members are Representatives Bratton, King, Saavedra, Salazar, Sandoval, Tripp and Wallace and Senators Beffort, Campos, Cisneros, Ingle, Leavell, Papen and Sapien. Designees are Representatives Barreras, Begaye, Egolf, Gonzales, Heaton, Larrañaga, Antonio Lujan, Lundstrom, Park, Picraux, Taylor and Vigil and Senators Adair, Phil Griego, Harden, Jennings, Keller, Lopez, McSorley, Morales, Neville, Bernadette M. Sanchez, Sharer, Ulibarri and Wirth.

Legislative Health and Human Services Committee: Representative Picraux will serve as chair and Senator Feldman will serve as vice chair. Other voting members are Representatives Espinoza, Gutierrez and Antonio Lujan and Senators Adair, Lopez and Ortiz y Pino. Advisory members are Representatives Begaye, Campos, Eleanor Chavez, Cote, Miguel P. Garcia, Gardner, Heaton, Kintigh, Madalena, Rodolpho "Rudy" S. Martinez, O'Neill, Steinborn, Stewart and Vaughn and Senators Beffort, Harden, Kernan, McSorley, Papen, Rodriguez, Rue and Ulibarri.

Interim Legislative Ethics Committee: Representative Salazar and Senator Lopez will serve as co-chairs. Other voting members are Representatives Barela, Cook, Gardner, Hamilton, Maestas, W. Ken Martinez and McCoy and Senators Beffort, Campos, Ingle, Jennings, Neville, Payne and Michael S. Sanchez.

Military and Veterans' Affairs Committee: Representative Thomas A. Garcia and Senator Ulibarri will serve as co-chairs. Other voting members are Representatives Barela, Cote and Hamilton and Senators Eric G. Griego, Pinto and Sharer. Advisory members are Representatives Alcon, Anderson, Giannini, Rodolpho "Rudy" S. Martinez, McCoy and Sandoval and Senators Adair, Duran, Garcia, Martinez and Payne.

Mortgage Finance Authority Act Oversight Committee: Representative Campos will serve as chair and Senator Rodriguez will serve as vice chair. Other voting members are Representatives Arnold-Jones, Ernest H. Chavez and Gutierrez and Senators Boitano, Eric G. Griego and McSorley. Advisory members are Representatives Anderson, Barreras, Jeff, Madalena, Roch and Rodefer and Senators Adair, Martinez, Ortiz y Pino and Rue.

New Mexico Finance Authority Oversight Committee: Senator Papen will serve as chair and Representative Lundstrom will serve as vice chair. Other voting members are Representatives Barela, Crook, Egolf, Irwin, Powdrell-Culbert, Rodefer, Saavedra, Strickler, Vigil and White and Senators Beffort, Cravens, Eichenberg, Fischmann, Harden, Munoz, Rodriguez and Ulibarri. Advisory members are Representatives Arnold-Jones, Campos, Ernest H. Chavez, Ezzell, Mary Helen Garcia, Thomas A. Garcia, Ben Lujan, W. Ken Martinez, Nuñez, Sandoval, Stapleton, Taylor and Varela and Senators Duran, Garcia, Ingle, Keller, Martinez and Sapien.

Public School Capital Outlay Oversight Task Force: Representative Miera and Senator Nava will serve as co-chairs. Other voting legislative members are Representatives Gardner, Larrañaga, Ben Lujan, W. Ken Martinez and Saavedra and Senators Asbill, Jennings, Lovejoy, Rue and Smith.

Radioactive and Hazardous Materials Committee: Senator Martinez will serve as chair and Representative Heaton will serve as vice chair. Other voting members are Representatives Gray, Antonio Lujan, Steinborn, Trujillo and Wallace and Senators Asbill, Fischmann, Leavell, Pinto and Ulibarri. Advisory members are Representatives Alcon, Anderson, Bratton, Rodolpho "Rudy" S. Martinez and Salazar and Senators Adair, Duran, Kernan, Lovejoy and Payne.

Retirement Systems Solvency Task Force: Legislative voting members are Representatives Heaton, Stewart and Varela and Senators Campos, Phil Griego, Neville and Smith. Public members appointed last interim will continue to serve.

Revenue Stabilization and Tax Policy Committee: Representative Sandoval will serve as chair and Senator Smith will serve as vice chair. Other voting members are Representatives Cote, Crook, Gardner, Ben Lujan, Rodolpho "Rudy" S. Martinez, Saavedra, Taylor and Trujillo

and Senators Cisneros, Duran, Eichenberg, Jennings, Keller, Kernan, Morales and Sharer. Designees are Representatives Begaye, Bratton, Cook, Miguel P. Garcia, Jeff, Maestas, Rodella, Strickler, Tripp and Varela and Senators Boitano, Cravens, Phil A. Griego, Harden, Leavell, Neville, Rodriguez, Bernadette M. Sanchez, Sapien and Wirth.

Tobacco Settlement Revenue Oversight Committee: Representative Chasey and Senator Garcia will serve as co-chairs. Other voting members are Representatives Picraux and Vaughn and Senators Feldman and Ryan. Advisory members are Representatives Begaye and Giannini and Senators Adair, Beffort, Lopez and Papen.

Commission on Uniform State Laws: Representative Cervantes and Senator McSorley will continue to serve as legislative members and Representative Cook and Senator Payne will serve as the legislative members from the minority.

### **Council-Created Committees**

Courts, Corrections and Justice Committee: Representative Park and Senator Wirth will serve as co-chairs. Other voting members are Representatives Anderson, Cervantes, Chasey, Cook, Maestas, Rehm and Stewart and Senators Adair, Garcia, Harden, Lopez, Martinez and Ryan. Advisory members are Representatives Alcon, Barela, Egolf, Kintigh, W. Ken Martinez, O'Neill, Stapleton, Thomas and Vaughn and Senators Kernan, Leavell, McSorley, Payne, Michael S. Sanchez and Ulibarri.

Economic and Rural Development Committee: Representative Mary Helen Garcia will serve as chair and Senator Bernadette M. Sanchez will serve as vice chair. Other voting members are Representatives Barreras, Ernest H. Chavez, Espinoza, Gray, Hamilton, Lundstrom and Rodella and Senators Boitano, Garcia, Harden, Keller, Morales, Munoz and Sharer. Advisory members are Representatives Cook, Cote, Heaton, Jeff, Madalena, Maestas, Rodolpho "Rudy" S. Martinez, Nuñez, Rehm, Tyler and Vigil and Senators Adair, Beffort, Duran, Leavell, Martinez, Sapien and Ulibarri.

Indian Affairs Committee: Representative Madalena and Senator Pinto will serve as co-chairs. Other voting members are Representatives Alcon, Begaye, Jeff, Lundstrom, Powdrell-Culbert and Vaughn and Senators Adair, Eric G. Griego, Lovejoy, Munoz, Rodriguez and Ryan. Advisory members are Representatives Ernest H. Chavez, Ben Lujan, Maestas, Rodella and Salazar and Senators Ingle, Jennings, Martinez and Sharer.

Investments Oversight Committee: Representative Heaton will serve as chair and Senator Munoz will serve as vice chair. Other voting members are Representatives Bratton, Larrañaga, Saavedra, Trujillo and Varela and Senators Eichenberg, Keller, Leavell, Neville and Sapien. Advisory members are Representatives Barreras, Miguel P. Garcia, Gonzales, Lundstrom, Powdrell-Culbert, Stapleton, Tyler and Vigil and Senators Cisneros, Ingle, Papen, Payne, Ryan, Michael S. Sanchez, Smith and Wirth.

Land Grant Committee: Senator Martinez will serve as chair and Representative Miguel P. Garcia will serve as vice chair. Other voting members are Representatives Bandy, Barreras, Eleanor Chavez, Thomas A. Garcia, Hall and Rodella and Senators Adair, Ortiz y Pino, Rue and Bernadette M. Sanchez. Advisory members are Representatives Alcon, Egolf, Ben Lujan and Vigil and Senators Cisneros and Duran.

Science, Technology and Telecommunications Committee: Senator Fischmann will serve as chair and Representative Gonzales will serve as vice chair. Other voting members are Representatives Arnold-Jones, Powdrell-Culbert, Rodella, Salazar, Varela and Vigil and Senators Asbill, Cravens, Feldman, Phil Griego and Lopez. Advisory members are Representatives Giannini, Ben Lujan, McCoy, Picraux, Tripp and Wallace and Senators Boitano, Cisneros, Martinez, Payne and Sapien.

Water and Natural Resources Committee: Representative Nuñez will serve as chair and Senator Phil Griego will serve as vice chair. Other voting members are Representatives Bandy, Begaye, Cervantes, Thomas A. Garcia, Gray, Irwin, Larrañaga, McCoy and Stewart and Senators Garcia, Harden, Munoz, Neville, Ortiz y Pino, Papen and Rue. Advisory members are Representatives Crook, Egolf, Espinoza, Ezzell, Ben Lujan, Madalena, Picraux, Saavedra, Steinborn, Strickler and Tripp and Senators Adair, Asbill, Cisneros, Feldman, Jennings, Kernan, McSorley, Rodriguez and Wirth.

#### **Other Interim Committee Issues**

Senator Jennings noted that the interim expenses account is running very low and noted that he had asked members to be mindful of their out-of-state travel requests. He encouraged those members who serve as chair or vice chair on national committees to continue to participate but also to keep in mind where they are going and how much it costs. Senator Jennings also noted that he thinks the policy allowing members to travel to up to four interim committee meetings should be continued.

The council authorized up to \$150,000 from interim expenses for an actuarial study for the Retirement Systems Solvency Task Force.

In response to a question from Representative Madalena, Ms. Tackett explained that, given the number of committees already appointed, it had been suggested that the Legislative Health and Human Services Committee could handle the issues raised in House Memorial 3, which called for the formation of a Medicaid subcommittee.

Speaker Lujan suggested that the council direct all interim committees to hold all of their meetings for the 2010 interim in Santa Fe.

Senator Jennings suggested that committees reduce the overall number of meeting days this interim, too.

In response to a question from Representative Crook about the availability of hotel rooms in Santa Fe during busy summer months, Speaker Lujan noted that the city's hotels seem to have a number of vacancies, likely because of the economy.

In response to a question from Representative Gardner, Ms. Tackett explained that the council typically directs staff to develop an interim committee meeting calendar that minimizes conflicts between voting members and that staff begins distributing the calendar to committee members at the first interim committee meeting.

Representative Martinez moved that the council direct all interim committees to keep their meetings in Santa Fe, with a few exceptions and specific justification for those exceptions, and that staff develop an interim calendar that minimizes conflicts between voting members and reduces all meetings dates.

There being no objection, the motion passed.

Speaker Lujan then indicated that interim committees should focus on making the agencies they oversee more efficient and to identify their core functions so that the committees can make recommendations to the Legislative Finance Committee and the Government Restructuring Task Force.

Representative Taylor suggested that the issue of agencies and various other entities that make the same presentation to different committees be addressed, too.

### **Government Restructuring Task Force Work Plan**

The work plan, meeting dates and budget for the Government Restructuring Task Force were approved as submitted.

### **Fiscal Year 2011 Budgets**

The proposed budgets for the LCS, House Chief Clerk's Office and the Senate Chief Clerk's Office were approved as submitted, reflecting the cuts made during the last session.

### **Staff Reports**

Staff distributed copies of the 2010 session highlights to the council members.

The following meeting dates for the council were adopted:

- Tuesday, June 29;
- Tuesday, August 10;
- Wednesday, September 22;
- Monday, October 18;
- Monday, November 15;
- Thursday, December 16 (new member orientation); and
- Friday, December 17.

Ms. Tackett provided the council with an update regarding the capitol parking facility. She explained that it is in use by agencies and the press, that it is equipped with security cameras and that some individuals with assigned parking beneath the State Capitol are being moved to the parking facility.

In response to a question from Speaker Lujan, Ms. Tackett indicated that employees of the Secretary of State's Office and Legislative Building Services are being moved from State Capitol underground parking to the parking facility.

On a motion made and seconded, the council adopted amendments to council policy No. 24 covering the parking facility. The major change was to make the public parking free, as Ms. Tackett explained that was how the facility was being operated since the legislative session because it was not cost-effective to employ staff to be present at the parking facility.

There being no further business, the council adjourned at 4:00 p.m.