



**MINUTES
of the
THREE-HUNDRED-SEVENTH MEETING
of the
LEGISLATIVE COUNCIL
May 14, 2007
Santa Fe**

The three-hundred-seventh meeting of the Legislative Council was called to order on Monday, May 14, 2007, at 10:45 a.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 Pete Campos
Senator Carlos R. Cisneros
Senator Kent L. Cravens
Representative Daniel R. Foley
Senator Stuart Ingle
Representative W. Ken Martinez
Representative Rick Miera
Senator Leonard Lee Rawson
Senator Michael S. Sanchez
Representative Sheryl Williams Stapleton
Representative Thomas C. Taylor

Absent

Senator Timothy Z. Jennings
Representative Rhonda S. King
Representative Jeannette O. Wallace

Special Advisory Members Present

Representative Janice E. Arnold-Jones
Representative Donald E. Bratton
Senator Dianna J. Duran
Senator Mary Jane M. Garcia
Representative James Roger Madalena
Senator Cisco McSorley
Representative Peter Wirth

Special Advisory Members Absent

Representative Antonio Lujan
Senator Steven P. Neville
Representative Al Park
Senator Lidio G. Rainaldi
Senator John Arthur Smith

Staff

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

Monday, May 14

The minutes of the January 15, 2007 meeting of the council were approved as submitted.

Interim Committee Appointments

Staff provided the council with information, developed at the request of the co-chairs of the council, regarding past makeup of interim committees, attendance for the past three years for each committee and proposed areas of focus for each committee.

Permanent Committees

The speaker and the president pro tempore announced the following appointments to permanent committees. The leadership was authorized to make any necessary adjustments to these committee appointments.

Legislative Council: Senator Altamirano and Representative Ben Lujan will serve as co-chairs. Other voting members are Representatives Foley, King, Martinez, Miera, Stapleton and Wallace and Senators Campos, Cisneros, Cravens, Jennings, Rawson and Michael S. Sanchez. Senator Ingle and Representative Taylor serve by virtue of their positions as minority leaders. Special advisory members are Representatives Arnold-Jones, Bratton, Antonio Lujan, Madalena, Park and Wirth and Senators Duran, Garcia, McSorley, Neville, Rainaldi and Smith.

Legislative Education Study Committee: Representative Miera will serve as chair and Senator Nava will serve as vice chair. Other voting members are Representatives Gonzales, Hall, Stewart, Swisstack and Williams and Senators Asbill, Garcia and Kernan. Advisory members are Representatives Begaye, Cote, Espinoza, Mary Helen Garcia, Thomas A. Garcia, Hamilton, Heaton, King, Stapleton, Trujillo, Vigil and Zanetti and Senators Boitano, Cisneros, Duran, Lovejoy, Papen, Pinto and Sharer.

Legislative Finance Committee: Senator Smith will serve as chair and Representative Varela will serve as vice chair. Other voting members are Representatives Bratton, King, Moore, Saavedra, Salazar, Sandoval and Wallace and Senators Beffort, Campos, Carraro, Cisneros, Griego, Jennings and Rawson. Designees are Representatives Barreras, Berry, Fox-Young, Gonzales, Heaton, Larrañaga, Antonio Lujan, Lundstrom, Park, Picraux, Taylor, Vigil and Wirth and Senators Adair, Altamirano, Garcia, Harden, Ingle, Leavell, Lopez, McSorley, Papen, Robinson, Bernadette M. Sanchez, Snyder and Ulibarri.

Statutory Committees

The speaker and the president pro tempore announced the following appointments to statutory committees. The leadership was authorized to make any necessary adjustments to these committee appointments.

Funding Formula Study Task Force: Representative Mimi Stewart and Dick Pool will continue to serve as co-chairs. Other voting members are Representatives Gonzales and Moore and Senators Asbill, Nava and Taylor. Public voting members are Robert Archuleta, Charles Bowyer, Dr. V. Sue Cleveland, Jack Jenkins, Randy Manning, Lilliemae Ortiz and Dennis Roch.

Advisory members are Representatives Chasey, Gutierrez, Hall, Maestas, Miera, Tyler, Vigil and Zanetti and Senators Boitano, Campos, Kernan, Lopez, Papen and Bernadette M. Sanchez. Public advisory members are James Phipps and Manuel F. Valdez.

Interim Legislative Ethics Committee: Senator Lopez and Representative Salazar will serve as co-chairs. Other voting members are Representatives Foley, Hamilton, Maestas, Martinez, McCoy, Picraux and Youngberg and Senators Campos, Ingle, Neville, Ortiz y Pino, Payne, Rawson and Michael S. Sanchez.

Legislative Committee on Compacts: Senator Martinez will serve as chair and Representative Silva will serve as vice chair. Other voting members are Representatives Larrañaga, Madalena, Salazar, Taylor, Trujillo, Williams and Youngberg and Senators Cisneros, Cravens, Neville, Payne, Smith, Snyder and Taylor. Advisory members are Representatives Begaye, Martinez and Moore and Senators Duran, Grubestic, Ingle, Kernan, Papen, Rainaldi, Ryan and Ulibarri.

Legislative Health and Human Services Committee: Senator Feldman will serve as chair and Representative Picraux will serve as vice chair. Other voting members are Representatives Gardner, Gutierrez and Vaughn and Senators Adair, Komadina and Papen. Advisory members are Representatives Campos, Espinoza, Foley, Miguel P. Garcia, Heaton, Antonio Lujan, Madalena, Miera, Steinborn, Stewart and Varela and Senators Beffort, Harden, Jennings, Kernan, Lopez, Ortiz y Pino, Rodriguez and Ulibarri.

Senator Altamirano noted that budgetary concerns are frequently being discussed at interim committee meetings, such as at Legislative Health and Human Services Committee meetings, and suggested that the Legislative Finance Committee (LFC) is the appropriate body for such discussions. He also suggested that some thought be given to trying to eliminate some of the overlap that occurs in committee work plans so that groups are not giving the same presentation to two or more committees.

Speaker Lujan suggested that the LFC examine the funding requests developed by the Health Coverage for New Mexicans Committee.

In response to a question from Senator Rawson, Ms. Tackett indicated that the Investments and Pensions Oversight Committee might be better suited than the Legislative Health and Human Services Committee to discuss insolvency in public retirement programs.

Mortgage Finance Authority Act Oversight Committee: Senator Rodriguez will serve as chair and Representative Silva will serve as vice chair. Other voting members are Representatives Anderson, Gonzales and Zanetti and Senators Boitano, McSorley and Rawson. Advisory members are Representatives Barreras, Campos and Foley and Senators Griego, Grubestic, Martinez and Snyder.

New Mexico Finance Authority Oversight Committee: Representative Silva will serve as chair and Senator Papen will serve as vice chair. Other voting members are Representatives Arnold-Jones, Barela, Berry, Irwin, Lundstrom, Powdrell-Culbert, Saavedra, Tripp and Vigil and Senators Carraro, Harden, Rainaldi, Robinson, Rodriguez and Snyder. Advisory members are Representatives Campos, Chavez, Crook, Ezzell, Foley, Thomas A. Garcia, Gonzales, Ben Lujan, Martinez, Sandoval, Stapleton, Strickler, Taylor and Varela and Senators Altamirano, Asbill, Campos, Cravens, Duran, Garcia, Ingle, Martinez, Neville, Rawson and Taylor.

Public School Capital Outlay Oversight Task Force: Representative Miera and Senator Nava will serve as co-chairs. Other voting members are Representatives Larrañaga, Ben Lujan, Madalena, Martinez, Saavedra and Williams and Senators Altamirano, Ingle, Leavell, Lovejoy and Smith. Public voting members are Gary Bland, Dr. Leslie Carpenter, Veronica Garcia, Cecilia J. Grimes, Pancho Guardiola, Leonard Haskie, Robbie Heyman, Anna Lamberson, Kilino Marquez, Elizabeth Marrufo, Katherine B. Miller, Bud Mulcock, Norman Suazo and Dr. Moises Venegas. Senator Asbill will serve as an advisory member.

Radioactive and Hazardous Materials Committee: Representative Heaton will serve as chair and Senator Martinez will serve as vice chair. Other voting members are Representatives Gray, Herrera, Antonio Lujan, Trujillo and Wallace and Senators Asbill, Grubestic, Kernan and Leavell. Advisory members are Representatives Anderson, Bratton, Salazar, Steinborn and Wirth and Senators Garcia, Harden, Payne and Pinto.

Senator Altamirano suggested combining the Radioactive and Hazardous Materials Committee with the Los Alamos National Laboratory (LANL) Oversight Committee. However, Speaker Lujan noted that the council plans to expand the scope of the Radioactive and Hazardous Materials Committee to include uranium mining in New Mexico, so adding issues related to LANL does not make for a good fit this year. He also indicated that he thinks it is particularly important for the LANL Oversight Committee to be in place as the laboratory continues to undergo its transition from Department of Energy and University of California management to management by a for-profit corporation.

Revenue Stabilization and Tax Policy Committee: Senator Jennings will serve as chair and Representative Sandoval will serve as vice chair. Other voting members are Representatives Crook, Gardner, Gonzales, Gray, Hanosh, Ben Lujan, Silva and Taylor and Senators Boitano, Cisneros, Cravens, Duran, Bernadette M. Sanchez, Smith and Taylor. Designees are Representatives Arnold-Jones, Bratton, Cote, Herrera, Nunez, Pena, Rodella, Saavedra, Tripp and Varela and Senators Altamirano, Beffort, Griego, Grubestic, Ingle, Kernan, McSorley, Neville, Rawson, Rodriguez, Ryan and Sharer.

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 Grubestic and Ryan. Advisory members are Representatives Begaye and Zanetti and Senators Adair, Carraro, Feldman, Lopez and Taylor.

Council-Created Committees

Staff noted that one of the suggestions made by the Legislative Structure and Process Study Task Force is to align the membership of the Courts, Corrections and Justice Committee with the membership of the standing House and Senate judiciary committees.

The council discussed the merits of such an arrangement, with several members indicating that it would be better to keep membership the way it is in order to expose members to subject matter they might not otherwise learn about.

Courts, Corrections and Justice Committee: Representative Park and Senator McSorley will serve as co-chairs. Other voting members are Representatives Anderson, Cervantes, Chasey, Maestas, Rehm, Wirth and Youngberg and Senators Adair, Grubestic, Leavell, Martinez, Rainaldi and Snyder. Advisory members are Representatives Barela, Foley, Martinez, Powdrell-Culbert, Stapleton, Stewart, Swisstack and Zanetti and Senators Altamirano, Cravens, Garcia, Harden, Kernan, Lopez, Payne, Ryan, Michael S. Sanchez and Taylor.

Economic and Rural Development Committee: Senator Bernadette M. Sanchez will serve as chair and Representative Mary Helen Garcia will serve as vice chair. Other voting members are Representatives Berry, Campos, Chavez, Hamilton, Lundstrom and Moore and Senators Garcia, Griego, Harden, Martinez and Sharer. Advisory members are Representatives Espinoza, Foley, Gray, Heaton, Madalena, Nunez, Pena, Rodella and Vigil and Senators Ingle, Jennings, Leavell, Neville, Rainaldi, Robinson and Ryan.

Members of the council noted that while this committee has traditionally also included telecommunications in its purview, telecommunications oversight would now be performed by the Information Technology Oversight Committee.

Indian Affairs Committee: Representative Madalena and Senator Pinto will serve as co-chairs. Other voting members are Representatives Begaye, Fox-Young, Herrera, Lundstrom, Pena, Vaughn and Williams and Senators Adair, Duran, Lovejoy, Rainaldi, Rodriguez and Ryan. Advisory members are Representatives Ben Lujan, Rodella and Salazar and Senators Altamirano, Carraro, Martinez, Sharer and Ulibarri.

Information Technology and Telecommunications Oversight Committee: Representative Rodella will serve as chair and Senator Smith will serve as vice chair. Other voting members are Representatives Arnold-Jones, Tripp, Varela, Vigil and Wirth and Senators Adair, Asbill, Lopez and Martinez. Advisory members are Representatives Barela, McCoy and Wallace and Senators Boitano, Campos, Cisneros, Cravens, Griego, Ortiz y Pino and Payne.

Senator Smith indicated that this committee experienced quorum problems during the past interim and asked if it might be possible for the committee to have designees, rather than advisory members.

Ms. Tackett pointed out that Legislative Council policy does not provide for designees for council-created committees. She indicated that staff could develop such a policy and return to the council with it.

Investments and Pensions Oversight Committee: Senator Smith will serve as chair and Representative Heaton will serve as vice chair. Other voting members are Representatives Bratton, Larrañaga, Saavedra, Trujillo and Varela and Senators Carraro, Griego, Leavell and Papen. Advisory members are Representatives Barreras, Miguel P. Garcia, Lundstrom, Pena, Powdrell-Culbert, Stapleton and Youngberg and Senators Campos, Cisneros, Ingle, Rawson, Michael S. Sanchez and Snyder. Public advisory members are Gary Bland, Bob Jacksha, Robert Gish, James Lewis and Olivia Padilla-Jackson.

Land Grant Committee: Representative Miguel P. Garcia will serve as chair and Senator Martinez will serve as vice chair. Other voting members are Representatives Fox-Young, Hall, Herrera and Rodella and Senators Adair, Carraro, Ortiz y Pino and Taylor. Advisory members are Representatives Bandy, Thomas A. Garcia, Ben Lujan and Youngberg and Senators Cisneros, Griego, Bernadette M. Sanchez and Sharer.

Legislative Structure and Process Study Task Force: Public members Thomas A. Donnelly and Richard E. Olsen will serve as co-chairs. Other voting members are Representatives Arnold-Jones, Larrañaga, Saavedra, Taylor and Wirth and Senators Boitano, Nava, Neville, Ortiz y Pino and Rodriguez. Other voting public members are Max Coll, Linda M. Davis, Charles Dorame, Marie Eaves, William Humphries, Tommy Jewell, Judy K. Jones, Bill King, Willard Lewis, David McCumber, Brian McDonald, Murray Ryan and Anthony Williams. Advisory members are Representatives Bratton and Begaye and Senator Ingle. Public advisory members are Marilyn O'Leary and Kim Seckler.

Los Alamos National Laboratory Oversight Committee: Representative Gonzales and Senator Griego will serve as co-chairs. Other voting members are Representatives Anderson, Powdrell-Culbert, Rodella and Salazar and Senators Grubestic, Martinez, Payne and Sharer. Advisory members are Representatives Ben Lujan and Wallace and Senators Altamirano, Duran and Garcia.

Water and Natural Resources Committee: Senator Griego will serve as chair and Representative Nunez will serve as vice chair. Other voting members are Representatives Bandy, Barela, Begaye, Cervantes, Irwin, Larrañaga, McCoy, Stewart and Tripp and Senators Beffort, Feldman, Garcia, Nava, Neville, Papen and Snyder. Advisory members are Representatives Crook, Espinoza, Ezzell, King, Ben Lujan, Madalena, Picraux, Saavedra, Strickler, Wirth and Youngberg and Senators Adair, Asbill, Cisneros, Harden, Jennings, Kernan, McSorley, Rawson, Rodriguez and Ryan.

In response to a question from Senator Smith, staff indicated that this committee could also cover land use issues.

Senator McSorley raised the possibility of having the Water and Natural Resources Committee meet jointly with the Courts, Corrections and Justice Committee to discuss the progress of water rights adjudications in New Mexico's courts.

Speaker Lujan raised the possibility of appointing an interim committee to review liquor licensing. He pointed out that House Memorial 96, passed during the session, called for the council to appoint an interim committee to review the laws regarding the issuance and transfer of liquor licenses between businesses in New Mexico.

Staff was directed to develop recommendations for such a committee and present them to the council at its June meeting.

Speaker Lujan also suggested that the council appoint an interim committee to study border security issues and appointed Representative Steinborn to chair the committee. He also appointed Representatives Cervantes, Barela, Vaughn and Hamilton as voting members and Representatives Irwin and Gray as advisory members.

Senator Altamirano indicated that he would have to consult with the Senate Committee's Committee before he could appoint senators to any additional committees.

Representative Taylor noted that the interim committee attendance records provided to the council show it is already difficult for senators to be able to attend all the meetings of all the interim committees to which they are assigned. He suggested that the council consider proportionally appointing interim committees, so that they more accurately reflect the roughly three-to-five ratio of senators to representatives serving in the legislature.

In response to a question from Senator Smith regarding the Interim Legislative Ethics Committee, Ms. Tackett explained that the committee's statutory charge is to meet only in the event of complaints registered against members or unless the committee's opinion is sought on some matter. However, she indicated that the council could conceivably expand the committee's scope to allow it to study the ethics proposals that arose during the legislative session and the following special session.

Members of the council discussed several potential ways of developing and reviewing ethics legislation, including having the Courts, Corrections and Justice Committee review potential ethics bills, forming a subcommittee of the same committee to do it or having either the Legislative Council or a subcommittee of the council review ethics bills. Members also noted that while the Governor's Ethics Task Force has been reconvened, the problem of a group outside of the legislature developing ethics bills that will eventually involve the legislature, without insuring that the legislature reviews actual bill drafts and not just concepts, still exists.

Speaker Lujan noted that while the Legislative Council cannot recommend legislation, it has at times reviewed legislation.

Staff was directed to develop recommendations regarding ways of addressing ethics during the interim for the next council meeting.

Gift Act Review

Mr. Yaeger began by explaining that the Gift Act enacted by the legislature during the past session does not take effect until June 15, 2007. He went on to explain that the effects of the bill are that lobbyists cannot give legislators gifts valued at more than \$250 at any one time, and not totaling \$1,000 during a year. The bill also creates a new class of donors, called restricted donors, that basically includes those people or businesses doing business with the state.

In response to a question from Senator Michael S. Sanchez, Mr. Yaeger indicated that the law covers all state employees, not just elected officials.

Members of the council expressed a need to educate legislators, lobbyists, all state employees and the public on the provisions of the Gift Act, preferably before it takes effect. Ms. Tackett noted that legislators could be briefed at a post-session orientation.

The council also discussed exactly what constitutes a gift and how reporting requirements dictated by the act could cause problems for both elected officials and lobbyists.

Legislative Council Meeting Dates

The council selected the following meeting dates:

June 26
July 24
August 20
September 25
October 29
January 14, 2008

In response to a question from Senator McSorley regarding a proposed policy allowing members to attend some meetings of committees of which they are not members, Speaker Lujan indicated that the policy is contingent on the elimination of advisory members on committees, which has not taken place. He did note that the Legislative Structure and Process Study Task Force is still examining the issue.

Senator McSorley continued to request that a proposed policy be developed for council consideration. Staff was so directed.

Senator Rawson noted that members representing rural areas are expected to attend interim committee meetings held in their districts, whether or not they are members of the committee that is meeting, and suggested that a policy be developed to provide per diem and mileage payment to those members.

Per Diem and Mileage Rate Update/ SHARE

Ms. Tackett explained to the council that Ms. Pacheco-Dofflemeyer, who was scheduled to brief the council on the SHARE program, was required to spend the morning reconciling old accounts and would not be able to speak to the council. However, Ms. Tackett indicated that due to the SHARE system, at this time the LCS would not be able to get 24-hour turnaround for legislative reimbursement, pointing out that a 72-hour turnaround would be fortunate.

Staff Reports

Ms. Tackett indicated that staff would set a date for the Gift Act review and notify members. As to the post-session orientation, staff would develop dates and notify the council of them.

Staff presented the *Highlights* publication for both the regular and special sessions to members of the council.

Ms. Tackett also discussed the legislative library reports pilot program.

There being no further business, the council adjourned at 2:00 p.m.