



**MINUTES
of the
THREE-HUNDRED-FORTIETH MEETING
of the
LEGISLATIVE COUNCIL
October 3, 2011
Santa Fe**

The three-hundred-fortieth meeting of the Legislative Council was called to order on Monday, October 3, 2011, at 10:55 a.m. in Room 307 of the State Capitol by Senate President Pro Tempore Timothy Z. Jennings, co-chair.

Present

Senator Timothy Z. Jennings, Co-Chair
Representative Ben Lujan, Co-Chair
Representative Thomas A. Anderson
Representative Donald E. Bratton
Senator Carlos R. Cisneros
Representative Anna M. Crook
Senator Stuart Ingle
Representative W. Ken Martinez
Senator Cisco McSorley
Representative Rick Miera
Senator William H. Payne
Senator Michael S. Sanchez
Senator William E. Sharer
Representative Sheryl Williams Stapleton
Representative Thomas C. Taylor
(Representative Taylor and Senator Payne participated by phone.)

Absent

Special Advisory Members Present

Representative Eliseo Lee Alcon
Senator Mary Jane M. Garcia
Representative Dennis J. Kintigh
Senator George K. Munoz

Special Advisory Members Absent

Senator Pete Campos
Senator Kent L. Cravens
Representative Roberto "Bobby" J. Gonzales
Representative Rhonda S. King
Representative Antonio Lujan
Representative James Roger Madalena
Representative Andy Nuñez
Representative Debbie A. Rodella
Senator John Arthur Smith

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
Doris Faust, Assistant Director for Drafting, LCS
Jeret Fleetwood, Locator Coordinator, LCS

Request of the Investigatory Subcommittee of the House Rules and Order of Business Committee

Mr. Burciaga explained that the Investigatory Subcommittee of the House Rules and Order of Business Committee had been convened to investigate the actions of the public regulation commissioner from District Three but that no further action was necessary as the commissioner had entered into a plea agreement with the attorney general in which the commissioner agreed to resign. Mr. Burciaga indicated that the subcommittee is requesting approval for one meeting to finalize its report to the legislature. He also noted that the special counsel retained by the subcommittee had already stopped working.

Some members of the council expressed concern over whether the public regulation commissioner in question had actually resigned, and if not, when he would be required to do so. Other members asked about when the commissioner would stop collecting his salary.

Phil Baca of the Attorney General's Office explained that the commissioner had not resigned yet, but the plea agreement stated that he had to resign within 10 days.

National Committee Meetings

Mr. Burciaga indicated that the National Conference of Insurance Legislators (NCOIL) has a conference scheduled on November 17 through 21 in Santa Fe and Albuquerque. He noted that since NCOIL is an organization to which New Mexico pays dues, New Mexico legislators are authorized to attend the conference, subject to approval.

On a motion made, seconded and approved, per diem, mileage and use of the State Capitol, if necessary, was authorized for those members wishing to attend the NCOIL on November 17 through 21.

Redistricting Legal Representation

Mr. Burciaga explained that, since the conclusion of the September special session, six lawsuits had been filed challenging the current congressional, legislative and Public Regulation Commission districts. He also noted that, at the September 22, 2010 meeting of the Legislative Council, the council authorized the negotiation of a contract for legal redistricting services, with the group headed by Richard Olson, Luis G. Stelzner and Professor Michael Browde, provided that the council revisit the issue before the lawyers represent the legislature in any litigation.

The council went into executive session to review the issues raised by the litigation.

Once back in open session, a motion was made and seconded to continue to retain the counsel of Mr. Olson, Mr. Stelzner and Professor Browde to represent the legislature as a whole, as well as Speaker Lujan and Senate President Pro Tempore Jennings, who were named as defendants in some of the lawsuits, and to present to the court the redistricting plans passed by the legislature and vetoed by the governor.

The motion to retain Mr. Olson, Mr. Stelzner and Professor Browde passed on a vote of 8-6, with Representatives Anderson, Bratton, Crook and Taylor and Senators Ingle and Sharer voting NO.

Speaker Lujan noted that it might be helpful to look at the dates regarding nominating petitions when deciding upon the order in which to hear cases, as he thought that congressional petitions are due about a month before the others.

The council then returned to the issue of the plea agreement regarding the public regulation commissioner from District Three. Copies of the plea agreement, filed on September 28, were distributed, which showed that the commissioner had 10 days from the filing date to resign.

On a motion made, seconded and approved, the Investigatory Subcommittee of the House Rules and Order of Business Committee was authorized to meet on October 21.

Staff Reports

The council authorized the LCS and the house and senate chief clerks to proceed with the usual preparation for the regular session, including the hiring of pre-session staff.

In response to a question from Speaker Lujan, Mr. Burciaga indicated that the governor had signed the feed bill, which contained funding for the House Appropriations and Finance Committee and the Senate Finance Committee to meet before the start of the regular session.

There being no further business, the council adjourned at 12:25 p.m.