



MINUTES
of the
THREE-HUNDRED-TWELFTH MEETING
of the
LEGISLATIVE COUNCIL
October 29, 2007
Santa Fe

The three-hundred-twelfth meeting of the Legislative Council was called to order on Monday, October 29, 2007, at 10:45 a.m. in Room 307 of the State Capitol by Senator Michael S. Sanchez.

Present

Senator Pete Campos
Senator Carlos R. Cisneros
Senator Kent L. Cravens
Senator Dianna J. Duran
Senator Stuart Ingle
Senator Timothy Z. Jennings
Representative Rhonda S. King
Representative Rick Miera
Senator Michael S. Sanchez
Representative Sheryl Williams Stapleton
Representative Jeannette O. Wallace

Special Advisory Members Present

Representative Janice E. Arnold-Jones
Senator Cisco McSorley
Senator Steven P. Neville
Senator H. Diane Snyder

Staff

Paula Tackett, Director, Legislative Council Service (LCS)
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS
Raúl Burciaga, Assistant Director for Drafting Services, LCS
Jeret Fleetwood, Locator Coordinator, LCS

Absent

Senator Ben D. Altamirano, Co-Chair
Representative Ben Lujan, Co-Chair
Representative Daniel R. Foley
Representative W. Ken Martinez
Senator Leonard Lee Rawson
Representative Thomas C. Taylor

Special Advisory Members Absent

Representative Donald E. Bratton
Senator Mary Jane M. Garcia
Representative Antonio Lujan
Representative James Roger Madalena
Representative Al Park
Senator Lidio G. Rainaldi
Senator John Arthur Smith
Representative Peter Wirth

Senator Duran was named as a voting member for the duration of the meeting for purposes of a quorum.

Senator Jennings noted that Senator Altamirano was out of town and suggested that Senator Michael Sanchez chair the meeting.

The minutes of the September 25, 2007 meeting of the council were approved with the following correction: Senator Ingle voted NO on a motion to authorize the LCS to issue a request for information regarding webcasting of legislative sessions.

Interim Committee Requests

An extra November meeting day for the Water and Natural Resources Committee was authorized.

An extra November meeting day for the Welfare Reform Oversight Committee was authorized.

An extra November meeting for the Los Alamos National Laboratory Oversight Committee was authorized, provided that the meeting be held in Santa Fe. Staff explained that the meeting is necessary to discuss issues related to a potential reduction in force at the laboratory due to a possible reduction in the laboratory's budget by Congress.

The council authorized per diem and mileage payments to the members of the Courts, Corrections and Justice Committee and members representing the Las Cruces area for attendance at a two-day conference held by the Children, Youth and Families Department (CYFD) on the Missouri model of youth detention on November 7-8.

Senator McSorley explained that the CYFD has already switched to the Missouri model, which involves treatment of juvenile offenders closer to their homes and better utilizes local resources. He pointed out that the legislature has yet to hear a presentation on the model and emphasized the significance of the shift by the CYFD. Senator McSorley also suggested that the council authorize per diem and travel expenses for members of the standing finance committees, so that they can visit Missouri in January to learn more about the approach.

Michael Hely, a newly hired staff attorney for the LCS, was introduced to the council. Ms. Tackett noted that he had come from St. Louis, Missouri, and had been employed by Civil Legal Services there. She also pointed out that he has a background in health issues.

Ms. Tackett indicated that the chair of the Land Grant Committee has requested that Representative Paul C. Bandy replace Representative Justine Fox-Young as a voting member on the committee. She also relayed the chair's request to replace Representative Manuel G. Herrera with Representative Thomas A. Garcia as a voting member of the committee. Ms. Tackett indicated that the chair of the committee noted that Representative Bandy and Representative Garcia had both attended all of the committee's meetings.

In response to a question from Representative Stapleton, Ms. Tackett explained that while the committee was created and appointed by the Legislative Council, the speaker of the house generally consults with the minority floor leader before making appointments concerning House members.

On a motion made, seconded and approved, the council authorized the speaker to work with the minority floor leader and make appointments to the Land Grant Committee.

Staff Reports

Ms. Tackett noted that the session preparation line item in the Feed Bill had been increased two sessions ago by \$200,000 for ongoing refurbishment of the State Capitol. She went on to explain that new carpet, cupboards and new and refurbished furniture had been installed in first floor offices. Ms. Tackett also explained that the intent was to try to refurbish the State Capitol floor by floor and to undertake tasks that could be performed over the course of an interim so as not to cause problems during sessions.

Ms. Tackett reminded the members that two new rules have been passed by the legislature regarding the introduction of bills. The first of these prohibits the introduction of duplicate bills endorsed by interim committees into the House and Senate. She pointed out that the second new rule allowing members of one house to sign bills introduced into another house should provide the opportunity for all members to sign an interim committee bill, and be shown as cosponsors, if they wish to do so. Ms. Tackett also indicated that the rule applies to executive agency bills too.

In response to a question from Senator Cisneros, Ms. Tackett explained that if bills are not exactly identical, such as if one bill contains the interim committee's slug and another does not, they could conceivably be introduced in both houses. She added that it is hoped that members will not use such methods to get around the rule.

In response to a question, Mr. Yaeger explained that if members ask the LCS to draft a duplicate bill for introduction, staff will remind them of the spirit of the new rule.

Senator Sanchez pointed out that this is the beginning of a new process and that the legislature will have to learn as it goes.

In response to a question from Senator Snyder, Ms. Tackett explained that the chief clerks' offices are developing a system that will allow members from one house to cosponsor bills in another house. Ms. Tackett also noted that it might make sense to allow legislators who are not members of a particular interim committee to sign that committee's bills, rather than have more bills introduced.

Ms. Tackett also discussed pre-filing of bills, indicating that legislators should take the bills prepared by the LCS, sign them and deliver them to their respective chief clerk if they wish

to prefile them. She pointed out that, because members must actually sign the bills to sponsor them, LCS staff cannot deliver bills to the clerks' offices for pre-filing.

Mr. Yaeger explained that the Senate pre-filing rules are slightly different than the House rules in that any bill may be pre-filed in the Senate, while only interim committee bills and bills from the executive may be pre-filed in the House.

In response to a question from Senator Sanchez, Steve Arias, House chief clerk, indicated that both clerks' offices and Mr. Yaeger were working on a system that will allow members of both houses to sign bills. He also noted that several House bill numbers have been reserved for the Feed Bill, the general appropriations act and the other traditional budget bills, and that bill numbers after those would be assigned on a first-come, first-served basis. Mr. Arias also emphasized that members may sign a form that will add their signature to a bill at any time before third reading of the bill in its originating house and have it reflected in the journal. However, he also noted that only those members who actually sign a bill before introduction would have their signatures appear on the mass-produced, public copies of that bill.

In response to a question from Senator Sanchez, Ms. Tackett indicated that it would be up to members to advise other members to stop by the clerks' offices to sign bills if they so choose.

In response to a question from Senator Snyder, Ms. Tackett explained that pre-filed bills would be available for viewing on the legislative web site.

Ms. Tackett informed the council that the LCS would be in a retreat for all staff on October 31, but that someone would be available in the office for phone calls.

In response to a question from Senator Sanchez, Ms. Tackett indicated that it would be possible for an out-of-state expert to make a presentation to the council regarding health care reform, noting that the next scheduled council meeting is December 10.

Mr. Burciaga pointed out that the governor had already released his plan for health care reform, but that a bill draft might not be available for some time.

There being no further business, the council adjourned at 11:30 a.m.