



**MINUTES**  
**of the**  
**THREE-HUNDRED-TWENTY-SIXTH MEETING**  
**of the**  
**NEW MEXICO LEGISLATIVE COUNCIL**  
**September 23, 2009**  
**Santa Fe**

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The three-hundred-twenty-sixth meeting of the New Mexico Legislative Council was called to order by Speaker Ben Lujan, co-chair, on Wednesday, September 23, 2009, at 10:30 a.m. in Room 307 of the State Capitol.

**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  
Representative Rick Miera  
Senator William H. Payne  
Senator Michael S. Sanchez  
Representative Sheryl Williams Stapleton  
Representative Thomas C. Taylor  
Representative Jeannette O. Wallace

**Absent**

Senator Cisco McSorley

**Special Advisory Members**

Representative Eliseo Lee Alcon  
Representative Donald E. Bratton  
Representative Anna M. Crook  
Representative Brian F. Egolf, Jr.  
Senator Mary Jane M. Garcia  
Representative James Roger Madalena  
Senator George K. Munoz  
Senator John Arthur Smith

Senator Pete Campos  
Senator Kent L. Cravens  
Representative Antonio Lujan  
Representative Al Park

**Staff**

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

## **Minutes**

On a motion made, seconded and unanimously approved, the minutes of the August 20, 2009 meeting were approved as submitted.

## **Interim Committee Business**

The Military and Veterans' Affairs Committee requested the council to authorize members of the committee to attend the commissioning ceremony of the U.S.S. *New Mexico*, a nuclear submarine, in Virginia in early 2010. The council discussed how attendance at such an event fits in with the committee's mission, the relative importance of the commissioning of a new submarine and the cost of authorizing reimbursement for an entire committee to attend the commissioning while the state already faces a budget shortfall.

On a motion made, seconded and approved, the council authorized the speaker of house of representatives and the senate president pro tempore to determine what level of representation from state leaders is appropriate at the commissioning ceremony and directed staff to develop a cost estimate based on that determination.

The Uranium Policy Subcommittee requested an extra meeting day to continue to address cleanup of legacy uranium mining sites. The council discussed the request, with some members pointing out that the request for an extra meeting day arose because some members of the subcommittee were not able to attend the entire meeting and taking exception to the subcommittee noting in its minutes that it had unanimous support for some of its motions. Other members of the council indicated that the subcommittee held a lengthy meeting and was unable to address all of the issues associated with uranium mining, necessitating an extra meeting day.

A motion to authorize an extra meeting day for the Uranium Policy Subcommittee was approved.

Senator Sanchez informed the council that Ms. Tackett was the recipient of the University of New Mexico Law School's Distinguished Achievement Award, which honors those who have made a lasting impact on the state.

## **Independent Operational and Fiduciary Review Status**

Mr. Burciaga reminded the council that additional funding for the independent operational and fiduciary review had been authorized by the council at the August 20, 2009 meeting and that a contract had been entered into with the Chicago firm of Ennis, Knupp and Associates. He explained that a phone conference had been planned for the initial meetings as a means of keeping costs down, but two representatives of the firm, Janet Collins and Nancy Wilson, had already traveled to Santa Fe at their own expense. Mr. Burciaga went on to note that Ms. Collins and Ms. Wilson had met with representatives of the LCS, the Legislative Finance Committee, the State Board of Finance, the Department of Finance and Administration and the Public Employees Retirement Association. He stated that one of the points of emphasis at the meetings with Ms. Collins and Ms. Wilson is that the review needs to be tailored to fit

New Mexico rather than using a standard approach. Finally, Mr. Burciaga indicated that he is listed on the contract as the contract administrator, that there appears to be open communication between all the entities involved and that the review is moving forward.

In response to a question from Speaker Lujan, Mr. Burciaga explained that emails exchanged as part of the review would be handled under the LCS confidentiality statute similar to any other request made to the LCS, but that very little of the email traffic to date has involved anything that is not already public record, such as meeting minutes or agendas. He also pointed out that the final report would be made public.

### **Executive Appointment of Legislators to Task Forces**

Senator Duran provided the council with copies of two executive orders establishing the New Mexico Task Force on Returning Public Service Employees, explaining that the first order indicates that a state senator and representative named to the task force would be appointed by the president pro tempore and the speaker, respectively, while the second order lists only the governor as the appointing authority. She indicated that some discussion was necessary on the appointment of legislators to executive task forces and payment of per diem and mileage to legislators who have been so appointed.

Ms. Tackett explained that if the governor creates a body, e.g., through an executive order, and appoints legislative members, neither the executive nor the legislature can pay per diem and mileage to a legislator who gets appointed.

The council had a lengthy discussion about appointment of and payment to legislators on executive-created boards and task forces. Issues discussed included:

- the difference in legislative and executive per diem rates;
- separation of powers issues associated with the governor appointing legislators to task forces;
- the importance of having legislators serve on task forces created by the executive, both for their expertise and to help keep the legislature informed of pending recommendations by a task force;
- whether some of the issues raised can, or should, be addressed through statutory changes;
- the compatibility of office issues;
- attempts to address the issue of reimbursement for legislators serving as members of executive boards through legislation that provides a stipend for duties related to their office;
- office-related expenses that some legislators are forced to absorb because they cannot currently be reimbursed for them; and
- the need to study the issue further.

The council directed staff to look at the issues surrounding executive appointments of legislators to task forces and report back to the council at a later meeting.

**Staff Reports**

Ms. Tackett indicated that the finishing touches are being put on the capitol parking structure and that it would be operational in early October.

Mr. Yaeger noted that planning for the Council of State Governments-West annual conference is continuing. He stated that 460 people have already registered, including 54 New Mexico participants, and that all but one of the five speaker slots has been confirmed. He also reviewed the schedule for the conference, including some of the planned social events.

Speaker Lujan noted that he had reviewed the program already and congratulated staff and Representative Jose A. Campos for putting the conference together.

The council authorized the LCS and the house and senate chief clerks to proceed with the usual preparation for session.

There being no further business, the council adjourned at 11:45 a.m.