



**MINUTES  
of the  
THREE-HUNDRED-FORTY-THIRD MEETING  
of the  
LEGISLATIVE COUNCIL  
June 27, 2012  
Santa Fe**

The three-hundred-forty-third meeting of the Legislative Council was called to order on Wednesday, June 27, 2012, at 10:20 a.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  
Representative Thomas A. Anderson  
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 William E. Sharer  
Representative Sheryl Williams Stapleton  
Representative Thomas C. Taylor  
(Speaker Lujan participated by phone)

**Special Advisory Members Present**

Representative Eliseo Lee Alcon  
Senator Pete Campos  
Senator Mary Jane M. Garcia  
Representative Roberto "Bobby" J.  
Gonzales  
Representative Rhonda S. King  
Representative Dennis J. Kintigh  
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

**Absent**

Representative Donald E. Bratton  
Senator Michael S. Sanchez

**Special Advisory Members Absent**

Representative Antonio Lujan  
Senator George K. Munoz

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

### **Approval of Minutes**

On a motion made, seconded and passed, the minutes of the three-hundred-forty-second meeting from May 9, 2012 were approved as submitted.

New LCS staff members Paige Houlton and Cassandra Jones were introduced to the council.

### **Interim Committee Work Plans and Budgets**

Interim committee work plans were presented by the appropriate LCS staff members. The council reduced a number of budgets but authorized the committees to return to the council to request additional money should it be necessary. A copy of each work plan and budget is in the original meeting file.

The work plan for the Water and Natural Resources Committee was amended to include an item regarding New Mexico-Texas ground water issues in Jal and the Ogallala Aquifer. The amended work plan, meeting dates and a budget of \$42,500 for voting members and \$50,955.81 for advisory members were approved.

The work plan for the Revenue Stabilization and Tax Policy Committee was amended to include an item to examine the effect of expanded deductions for manufacturing consumables and construction on the stability of revenues of local governments and to review the impact of hold harmless provisions to ameliorate the negative impact to local revenues of gross receipts deductions. The amended work plan, including a subcommittee composed of members from the Revenue Stabilization and Tax Policy Committee, New Mexico Finance Authority Oversight Committee, Economic and Rural Development Committee and Indian Affairs Committee to review revenue sources that can be used for transportation needs, was approved. The meeting dates and a budget of \$50,000 for voting members were also approved.

The work plan of the Radioactive and Hazardous Materials Committee was amended to include items on the accidental breakage of compact fluorescent light bulbs in residences and a tour of the URENCO facility in Eunice. The amended work plan, meeting dates and a budget of \$20,000 for voting members and \$26,774 for advisory members were also approved.

The work plan for the Science, Technology and Telecommunications Committee was amended to include an item regarding work force issues at Los Alamos National Laboratory. The amended work plan, meeting dates, including a meeting outside of the State Capitol in October and an extra meeting day on November 8, and a budget of \$22,500 for voting members and \$27,696 for advisory members were also approved.

The work plan and meeting dates for the Public School Capital Outlay Oversight Task Force, including a work group to examine capital outlay issues, were approved as submitted,

although the task force was authorized to return to the council with changes to the work plan. A budget of \$25,000 for voting members was also approved.

The work plan and meeting dates for the Tobacco Settlement Revenue Oversight Committee were approved as submitted. A budget of \$7,500 for voting members and \$5,299.82 for advisory members was also approved.

The work plan and meeting dates for the Mortgage Finance Authority Act Oversight Committee were approved as submitted. A budget of \$9,000 for voting members and \$19,428.14 for advisory members was also approved.

The work plan, meeting dates, including an October meeting outside of the State Capitol, and a budget of \$22,169.25 for voting members and \$12,700.68 for advisory members for the Land Grant Committee were approved as submitted.

The work plan and meeting dates, including an additional October meeting outside of the State Capitol, for the Economic and Rural Development Committee were approved as submitted. A budget of \$32,000 for voting members and \$59,173.14 for advisory members was also approved.

The work plan for the Indian Affairs Committee was amended to include discussion of teen suicide rates among Native Americans. The meeting dates, including an additional two-day meeting and October and November meetings outside of the State Capitol, and a budget of \$40,000 for voting members and \$33,968.33 for advisory members were also approved.

The work plan and meetings dates for the Military and Veterans' Affairs Committee were approved as submitted. A budget of \$18,000 for voting members and \$24,446.25 for advisory members was also approved.

The work plan for the Courts, Corrections and Justice Committee was amended to include items regarding review of the Judicial Standards Commission, caseloads of judges, duty to furnish district courthouses, truancy courts, magistrate security, magistrate qualifications and timing of judicial appointments. The meeting dates and a budget of \$28,000 for voting members and \$42,185.61 for advisory members were also approved.

The work plan for the Legislative Health and Human Services Committee was amended to re-create the Behavioral Health Subcommittee with a budget of \$8,297.87. The amended work plan, meeting dates, including an October meeting of the Disabilities Concerns Subcommittee outside of the State Capitol, and a budget of \$48,000, including \$6,000 for expert testimony, for voting members and \$54,995.05 for advisory members were approved.

The work plan and meeting dates for the New Mexico Finance Authority Oversight Committee were approved as submitted. A budget of \$36,000 for voting members and \$55,054.68 for advisory members was also approved.

The meeting dates and work plan of the Investments and Pensions Oversight Committee, including appointment of a subcommittee to receive testimony regarding public safety employee pension solvency, were approved as submitted. A budget of \$16,000 for voting members and \$20,081.36 for advisory members was also approved.

A budget of \$7,500 was approved for the Legislative Ethics Committee in case the committee needs to meet during the interim.

In response to a question from Speaker Lujan, Mr. Burciaga explained that the speaker and president pro tempore might need to appoint a Committee on Compacts if gaming compact issues come up during the interim.

Representative Stapleton provided the council with copies of House Memorial 67, explaining that it requests the creation of a plan to eliminate the achievement gap and increase graduation rates of Hispanic, Native American and African American students. She also noted that the memorial suggests the creation of a working group to be staffed by the LCS, Legislative Finance Committee (LFC) and Legislative Education Study Committee (LESC).

The council discussed creation of a working group and directed LCS, LFC and LESL staff to develop a plan and report back to the council at the July 31 meeting.

#### **Uniform Law Commission Per Diem**

The council was provided with a proposed change to Legislative Council Policy Number 4 regarding per diem and mileage payments to public members of the Uniform Law Commission. Mr. Burciaga explained that uniform law commissioners previously paid their expenses out of their own pockets and that changing the policy would allow for them to be reimbursed at the Per Diem and Mileage Act rate.

On a motion made, seconded and unanimously passed, the council approved the proposed change to Legislative Council Policy Number 4.

#### **Staff Reports**

Mr. Burciaga indicated that, in response to a question raised by Senator McSorley at the council's May 9 meeting, the money spent on interim committee expenses has decreased over the past two interims.

Mr. Burciaga also updated the council on redistricting litigation costs. He explained that the administration had agreed to pay the actual expenses of the parties involved in the litigation but that most attorney fees were still being discussed.

Representative Kintigh indicated that, in a letter to the co-chairs and Mr. Burciaga dated October 31, 2011, he raised concerns about security issues in the State Capitol. He asked that an item be placed on the council's next agenda regarding the issue.

In response to a question from Representative Crook, Mr. Burciaga noted that recent Inspection of Public Records Act requests regarding legislative emails have raised a number of issues. He explained that there are questions as to how the act applies to individual legislators and that there is no case law in New Mexico on the subject. Mr. Burciaga also indicated that while the act is broad, with some exceptions, the only way to determine which emails must be disclosed is to go through each of them one by one, which may be time consuming considering the number of emails in legislative accounts.

Pat Wood, who won the Republican primary election in Senate District 7, was introduced to the council.

There being no further business, the council adjourned at 1:00 p.m.