



**MINUTES
of the
THREE-HUNDRED-THIRTY-EIGHTH MEETING
of the
LEGISLATIVE COUNCIL
June 29, 2011
Santa Fe**

The three-hundred-thirty-eighth meeting of the Legislative Council was called to order on Wednesday, June 29, 2011, at 10:25 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
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 William E. Sharer
Representative Sheryl Williams Stapleton
Representative Thomas C. Taylor

Absent

Senator Michael S. Sanchez

Special Advisory Members Present

Representative Eliseo Lee Alcon
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

Special Advisory Members Absent

Senator Pete Campos
Senator Kent L. Cravens
Representative Antonio Lujan
Senator George K. Munoz

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS
Doris A. Faust, Assistant Director for Drafting Services, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS

Jeret Fleetwood, Locator Coordinator, LCS

On a motion made, seconded and passed, the minutes of the May 9, 2011 meeting of the council were approved as submitted.

Mr. Burciaga began by introducing two new staff attorneys, Lisa Sullivan and Douglas Carver, and two law student summer interns, Andrew Pierce and Theresa Ryan, to the council.

Interim Committee Cost Containment

Mr. Burciaga noted that at its last meeting, the council directed staff to develop options for reducing the costs associated with interim committees. He explained that the legislature has undertaken efforts to reduce its interim budget over the past two to three years, such as reducing the overall number of meetings during the 2010 interim, limiting some out-of-state travel and reducing contract services for some committees. Mr. Burciaga pointed out that while there may be sufficient funding for interim expenses, the governor's veto of \$100,000 for per diem and mileage for the Redistricting Committee and \$50,000 for the House Appropriations and Finance Committee and the Senate Finance Committee to meet the week before the regular session begins means that those expenses might have to come out of regular interim expenses, making FY 2012 tighter than FY 2011. He also noted that several requests have already been made for travel to the Council of State Governments-West annual meeting in Hawaii, the National Conference of State Legislatures annual meeting in San Antonio and some United States Energy Council meetings around the country.

Mr. Burciaga discussed the following options for limiting interim expenditures:

- allow per diem and mileage for statutory or council-created interim committees only, eliminating reimbursements for attending meetings hosted by state agencies, universities and other entities;
- allow per diem, registration, airfare and certain other travel expenses for attendance of only one meeting per legislator of those organizations to which the state pays dues;
- continue reimbursement of per diem and mileage, registration, airfare and certain other travel expenses for attendance at one meeting of those organizations to which the state does not pay dues;
- limit to two or three days the additional four interim committee meeting days that a legislator may attend;
- limit the number of committee meetings by disallowing any committee requests for additional meetings;
- allow meetings outside of the State Capitol only in July and August, and require all other meetings to be held in Santa Fe for October and November; and
- disallow any interim committee meetings after November 30, except for the Legislative Council, Legislative Education Study Committee, Legislative Finance Committee and Revenue Stabilization and Tax Policy Committee.

In response to a question from Senator Cisneros, Mr. Burciaga explained that the total savings from implementing each option would probably be between \$30,000 and \$50,000.

Several members raised concerns about requiring interim committees to meet in Santa Fe. Some members asked how much money is really saved by meeting in Santa Fe, while others noted that interim committees frequently tour facilities about which the legislature has to make decisions during the session.

Senator Smith pointed out that another issue associated with holding meetings in Santa Fe is the large entourage of executive agency employees who attend meetings with agenda items involving their respective agencies. He also noted that traveling outside of Santa Fe often uncovers good ideas.

Speaker Lujan acknowledged that while traveling has some benefits, it also means that webcasts of the committee meetings held outside of Santa Fe will not be available.

Mr. Burciaga reminded the council that existing policy holds that all interim committee meetings be held in the State Capitol after September 30.

Speaker Lujan clarified that he did not ask members not to travel but suggested that they look closely at how much out-of-state travel they request. He also suggested that members review the recommendations and make a decision regarding them later.

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.

Senator Lopez explained that the Redistricting Committee had planned to meet in Gallup for its August meeting but that the Pueblo of Acoma also wanted to host one of the committee's August meetings. She noted that the committee settled on the Pueblo of Acoma for its meeting but said that Gallup still wanted to host the meeting. The council discussed the possibility of holding the meeting either in Gallup or at the Pueblo of Acoma, holding half of the meeting in Gallup and half at the Pueblo of Acoma or adding an extra day to be able to meet in both places.

On a motion made and seconded, the council voted against adding an additional day to the Redistricting Committee's work plan for a meeting in Gallup.

On a motion made, seconded and approved, the council voted to hold half of the August Redistricting Committee meeting at the Pueblo of Acoma and the other half in Gallup, with Representatives Ben Lujan, Martinez and Miera and Senators Cisneros and McSorley voting NO.

The work plan and a budget of \$59,536.56 for voting members and \$76,942.92 for advisory members for the Redistricting Committee were approved as submitted.

On a motion made, seconded and passed, the council voted to take one meeting day away from the New Mexico Finance Authority Oversight Committee and give an additional meeting day to the Redistricting Committee for a meeting in Gallup, with Representatives Anderson and Bratton and Senators Jennings and Sharer voting NO.

The work plan for the New Mexico Finance Authority Oversight Committee was approved as submitted. A budget of \$57,074.73 for voting members and \$56,018.70 for advisory members was also approved.

The work plan and meeting dates for the Revenue Stabilization and Tax Policy Committee were approved as submitted. A budget of \$58,624 for voting members was also approved.

The work plan and meeting dates, including an October meeting outside of Santa Fe, for the Radioactive and Hazardous Materials Committee were approved as submitted. A budget of \$24,000 for voting members and \$26,425.38 for advisory members was also approved.

The work plan and meeting dates for the Science, Technology and Telecommunications Committee were approved as submitted. A budget of \$25,000 for voting members and \$21,352.26 for advisory members was also approved.

The work plan and meeting dates for the Public School Capital Outlay Oversight Task Force were approved as submitted. A budget of \$33,000 was also approved.

The work plan and meeting dates for the Mortgage Finance Authority Act Oversight Committee were approved as submitted. A budget of \$11,070.80 for voting members and \$21,197.16 for advisory members was also approved.

The work plan and meeting dates for the Water and Natural Resources Committee were approved as submitted. A budget of \$45,000 for voting members and \$39,131.16 for advisory members was also approved.

The work plan and meeting dates, including an October meeting outside of Santa Fe, for the Land Grant Committee, were approved as submitted. A budget of \$20,000 for voting members and \$18,250.36 for advisory members was also approved.

The work plan and meeting dates for the Economic and Rural Development Committee were approved as submitted. A budget of \$32,500 for voting members and \$34,911.48 for advisory members was also approved.

The work plan and meeting dates, including October and November meetings outside of Santa Fe, for the Indian Affairs Committee were approved as submitted. A budget of \$35,000 for voting members and \$28,476.39 for advisory members was also approved.

The work plan and meeting dates, including October and November meetings outside of Santa Fe, for the Military and Veterans' Affairs Committee were approved as submitted. A budget of \$15,000 for voting members and \$27,739.29 for advisory members was also approved.

The work plan and meeting dates of the Courts, Corrections and Justice Committee were approved as submitted. A budget of \$32,000 for voting members and \$35,408.04 for advisory members was also approved.

The council discussed formation of a behavioral health subcommittee of the Legislative Health and Human Services Committee. Some members of the council suggested that the subcommittee meet with the Courts, Corrections and Justice Committee to address overlapping issues. Speaker Lujan noted that the subcommittee could meet with the Courts, Corrections and Justice Committee once because the subcommittee would be busy addressing concerns in other areas, too.

On a motion made, seconded and unanimously approved, the council authorized formation of the Behavioral Health Subcommittee of the Legislative Health and Human Services Committee and authorized the co-chairs of the council to appoint members to the subcommittee after meeting with leadership.

The work plan and meeting dates, including an October meeting outside of Santa Fe, for the Legislative Health and Human Services Committee were approved as submitted. A budget of \$32,000 for voting members and \$51,978.75 for advisory members was also approved.

The work plan, meeting dates and a budget of \$6,676.50 for voting members and \$5,851.38 for advisory members for the Tobacco Settlement Revenue Oversight Committee were approved as submitted.

The work plan and meeting dates for the Investments Oversight Committee, including changing the committee's name back to the Investments and Pensions Oversight Committee, were approved as submitted. A budget of \$17,569.26 for voting members and \$23,623.80 for advisory members was also approved.

The Legislative Committee on Compacts was authorized to meet should the need arise this interim.

Staff explained that the Legislative Ethics Committee meets only as necessary to consider requests for advisory opinions or to consider complaints filed against legislators. A budget of \$5,657, the cost of a one-day meeting in Santa Fe, was approved.

Staff Reports

Mr. Burciaga explained that Craig Reeves, who was appointed to the State Investment Council (SIC) by the Legislative Council on March 31, 2010, had resigned. He also indicated that Steve Moise, state investment officer, requested that the council fill the vacancy as soon as

possible because the SIC already had an executive appointment vacancy. Mr. Burciaga went on to note that the résumé of Angel Reyes was included in members' meeting materials.

Speaker Lujan noted that Mr. Reyes, if appointed, would be the only Hispanic serving on the SIC.

The council had a lengthy discussion about the appointment of Mr. Reyes to the SIC. Some members pointed out that the statute enabling the Legislative Council to make appointments to the SIC calls for appointments from each house to come from different political parties. Other members suggested that Mr. Reyes be appointed in order to make an appointment quickly, explaining that he can be removed later by the senate confirmation process if he turns out to belong to the same party as Peter Frank, a Democrat, and the other SIC appointment made by the house. Other members pointed out that the SIC appointment process is flawed because it forces the council to make decisions based almost entirely on a person's résumé .

Speaker Lujan explained that Representative Gonzales had contacted Mr. Reyes, who told Representative Gonzales that he is a Democrat.

Staff was then directed to prepare a press release and solicit applications for the council to review at its next meeting.

The New Mexico Finance Authority Oversight Committee was directed to meet in Santa Fe for its October meeting unless the committee returns to the council with a specific meeting location in mind.

On a motion made, seconded and unanimously approved, the council directed staff to draft a letter to Governor Martinez on behalf of the co-chairs of the council requesting that she begin the special session on redistricting on September 12 and that she either limit the items to be considered by the legislature or work with leadership to reach some agreement on items to be placed on the proclamation. Members pointed out that hotel rooms will be difficult to find and expensive should the special session begin a week earlier and be under way during Santa Fe's Fiesta celebration. Other members noted that including a number of potentially divisive items on the proclamation will tie up legislators while contracted legal and technical staff are forced to wait at significant cost to the legislature.

Mr. Burciaga explained that the University of New Mexico School of Law had expressed interest in offering the Law School for Legislators program, a one-day class, again. The council discussed ways of limiting interim committee travel, out-of-state travel and travel to conferences and seminars, such as Law School for Legislators, as ways to keep costs down.

On a motion made, seconded and approved, the council authorized legislators to use one of their four extra committee meeting days to attend the Law School for Legislators program.

On a motion made, seconded and approved, the council authorized legislators to attend one out-of-state meeting held by an organization to which New Mexico pays dues and one out-of-state meeting of an organization to which New Mexico does not pay dues.

On a motion made, seconded and approved, the council reduced the number of extra meetings a legislator can attend each interim from four to three, with the speaker and president pro tempore able to grant exceptions.

Rick Ulibarri of the Los Alamos National Laboratory (LANL) Government Relations Office provided the council with an update regarding the Las Conchas fire. He explained that the fire had grown to over 70,000 acres, pointing out that the Cerro Grande fire had burned about 40,000 acres. However, Mr. Ulibarri noted that there were no fires on laboratory property and that controlled burns were under way to attempt to push the fire away from LANL. He also said that the laboratory was monitoring the air in and around Los Alamos and that the smoke plume contained nothing more harmful than any other forest fire. Mr. Ulibarri noted that barrels containing some radioactive waste located at Area G were inside fire-resistant tents and that crews were clearing additional vegetation away from Area G to minimize the fire risk to the area. Mr. Ulibarri indicated that since the 2000 Cerro Grande fire, LANL had spent about \$20 million on fire mitigation equipment and technology, such as fire trucks, helipads, dipping stations and bulldozers.

In response to a question from Representative Anderson, Mr. Ulibarri indicated that Area G was not currently in any danger.

In response to a question from Representative Martinez, Mr. Ulibarri explained that waste more radioactive than that in Area G is held in containers in secure concrete vaults with extra fire suppression technology.

In response to another question from Representative Martinez, Mr. Ulibarri explained that the laboratory had shut down operations and that all lab employees were safe and being paid for the week.

In response to a question from Speaker Lujan, Mr. Ulibarri noted that even lab subcontractors were being paid for the week.

In response to a question from Representative Rodella, Mr. Ulibarri indicated that the essential employees who were required to report to the lab include facility managers, emergency operations center staff and government relations and communications staff.

There being no further business, the council adjourned at 2:55 p.m.