



**MINUTES
of the
THREE-HUNDRED-SIXTY-FOURTH MEETING
of the
LEGISLATIVE COUNCIL
May 9, 2016
Santa Fe**

The three-hundred-sixty-fourth meeting of the Legislative Council was called to order on Monday, May 9, 2016, at 10:15 a.m. in Room 307 of the State Capitol by Representative Don L. Tripp, co-chair.

Present

Sen. Mary Kay Papen, Co-Chair
Rep. Don L. Tripp, Co-Chair
Rep. Alonzo Baldonado
Sen. Carlos R. Cisneros
Rep. Brian Egolf
Rep. Kelly K. Fajardo
Rep. Doreen Y. Gallegos
Sen. Stuart Ingle
Sen. William H. Payne
Sen. Clemente Sanchez
Sen. William E. Sharer
Sen. John Arthur Smith
Rep. Sheryl Williams Stapleton

Absent

Rep. Nate Gentry
Rep. W. Ken Martinez
Sen. Michael S. Sanchez

Special Advisory Members Present

Rep. Eliseo Lee Alcon
Sen. Lee S. Cotter
Rep. Roberto "Bobby" J. Gonzales
Rep. James Roger Madalena
Sen. Cisco McSorley
Rep. Andy Nunez
Sen. Michael Padilla
Rep. Jane E. Powdrell-Culbert
Rep. Dennis J. Roch
Rep. Debbie A. Rodella
Rep. Patricia Roybal Caballero
Sen. Benny Shendo, Jr.
Rep. Carl Trujillo
Rep. Jim R. Trujillo

Special Advisory Members Absent

Sen. Pete Campos
Rep. Gail Chasey
Sen. Ron Griggs
Rep. Jason C. Harper
Sen. Daniel A. Ivey-Soto
Rep. Rick Little
Sen. Mark Moores
Sen. George K. Munoz
Sen. Cliff R. Pirtle

Guest Legislator

Sen. Ted Barela

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)

John Yaeger, Assistant Director for Legislative Affairs, LCS

Amy Chavez-Romero, Assistant Director for Drafting, LCS

Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS

Jeret Fleetwood, Researcher, LCS

Approval of Minutes

On a motion made, seconded and passed, a corrected version of the minutes of the September 15, 2015 meeting was approved.

On a motion made, seconded and passed, the minutes of the January 18, 2016 meeting were approved as submitted.

Interim Committee Appointments

The council reappointed members to the following statutory and council-created committees:

Statutory Committees:

Legislative Council: Senator Mary Kay Papen and Representative Tripp will serve as co-chairs. Other voting members are Representatives Alonzo Baldonado, Brian Egolf, Kelly K. Fajardo, Doreen Y. Gallegos, Nate Gentry, W. Ken Martinez and Sheryl Williams Stapleton and Senators Carlos R. Cisneros, Stuart Ingle, William H. Payne, Clemente Sanchez, Michael S. Sanchez, William E. Sharer and John Arthur Smith. Special advisory members are Representatives Eliseo Lee Alcon, Gail Chasey, Roberto "Bobby" J. Gonzales, Jason C. Harper, Rick Little, James Roger Madalena, Andy Nunez, Jane E. Powdrell-Culbert, Dennis J. Roch, Debbie A. Rodella, Patricia Roybal Caballero, Carl Trujillo and Jim Trujillo and Senators Pete Campos, Lee S. Cotter, Ron Griggs, Daniel A. Ivey-Soto, Cisco McSorley, Mark Moores, George K. Munoz, Michael Padilla, Cliff R. Pirtle and Benny Shendo, Jr.

Legislative Education Study Committee: Representative Roch will serve as chair and Senator John M. Sapien will serve as vice chair. Other voting members are Representatives Tomás E. Salazar, James E. Smith, Stapleton, Christine Trujillo and Monica Youngblood and Senators Craig W. Brandt, Gay G. Kernan and Howie C. Morales. Advisory members are Representatives Baldonado, Jim Dines, Nora Espinoza, David M. Gallegos, Stephanie Garcia Richard, Jimmie C. Hall, D. Wonda Johnson, Tim D. Lewis, G. Andrés Romero, Roybal Caballero and James G. Townsend and Senators Jacob R. Candelaria, Cisneros, Cotter, Ivey-Soto, Linda M. Lopez, Padilla, John Pinto, William P. Soules, Mimi Stewart and Pat Woods.

Legislative Finance Committee: Senator Smith will serve as chair and Representative Hall will serve as vice chair. Other voting members are Representatives Paul C. Bandy, George Dodge, Jr., Harper, Larry A. Larrañaga, Patricia A. Lundstrom, Nick L. Salazar and Luciano "Lucky" Varela and Senators Sue Wilson Beffort, Campos, Cisneros, Carroll H. Leavell, Morales, Munoz and Steven P. Neville. Designees are Representatives Sharon Clahchischilliage, Doreen Y. Gallegos, Garcia Richard, Conrad James, Little, Antonio Maestas, Sarah Maestas Barnes, Roybal Caballero, Tomás E. Salazar, Larry R. Scott, James E. Smith, Jeff Steinborn, Townsend, Christine Trujillo, Jim R. Trujillo, Youngblood and John L. Zimmerman and Senators William F. Burt, Candelaria, Cotter, Griggs, Ingle, Kernan, McSorley, Moores, Padilla, Papen, Payne, Sander Rue, Clemente Sanchez, Sapien, Sharer, Shendo and Peter Wirth.

Capitol Buildings Planning Commission: Legislative voting members are Representatives Egolf and Tripp and Senators Ingle and Papen. Public members are Edwynn L. Burckle, secretary of general services; Tom Clifford, secretary of finance and administration; Charles W. Daniels, chief justice, New Mexico Supreme Court; Aubrey Dunn, commissioner of public lands; Tim Eichenberg, state treasurer; and Veronica Gonzales, secretary of cultural affairs.

Committee on Compacts: Representative Clahchischilliage will serve as chair and Senator Clemente Sanchez will serve as vice chair. Other voting members are Representatives Zachary J. Cook, Johnson, Larrañaga, Lewis, Georgene Louis, Madalena and W. Ken Martinez and Senators Campos, Ingle, Munoz, Pirtle, John C. Ryan, Sharer and Smith. Advisory members are Representatives Baldonado, Gentry, Powdrell-Culbert, Rodella, Romero, Nick L. Salazar, Tripp and Varela and Senators Cisneros, Cotter, Griggs, Richard C. Martinez, Moores, Papen, Payne, Pinto and Michael S. Sanchez.

Interim Legislative Ethics Committee: Representative Gentry and Senator Lopez will serve as co-chairs. Other voting members are Representatives Cathrynn N. Brown, Chasey, Cook, Egolf, Fajardo, Louis and Maestas and Senators Campos, Ingle, Neville, Papen, Payne, Michael S. Sanchez and Sharer.

Legislative Health and Human Services Committee: Senator Gerald Ortiz y Pino will serve as chair and Representative Espinoza will serve as vice chair. Other voting members are Representatives Deborah A. Armstrong, Miguel P. Garcia and Lewis and Senators Kernan, Moores and Shendo. Advisory members are Representatives Chasey, Doreen Y. Gallegos, Madalena, Terry H. McMillan, Patricio Ruiloba, Tripp and Christine Trujillo and Senators Beffort, Brandt, Candelaria, Ivey-Soto, Lopez, McSorley, Morales, Bill B. O'Neill, Papen, Nancy Rodriguez, Rue, Soules and Stewart.

Disabilities Concerns Subcommittee: Representative Lewis will serve as chair and Senator Rodriguez will serve as vice chair. Other voting members are Representative Garcia and Senators Brandt and Lopez. Advisory members are Representatives Armstrong and Espinoza and Senators Ted Barela and Ortiz y Pino.

Military and Veterans' Affairs Committee: Senator Martinez and Representative Bob Wooley will serve as co-chairs. Other voting members are Representatives Alcon, Randal S. Crowder and Dodge and Senators Brandt, Burt and Ivey-Soto. Advisory members are Representatives David E. Adkins, Brown, Dines, Dianne Miller Hamilton, Little, Jim R. Trujillo and Zimmerman and Senators Cisneros, Padilla, Payne, Pinto and Sharer.

Mortgage Finance Authority Act Oversight Committee: Senator Rodriguez will serve as chair and Representative Baldonado will serve as vice chair. Other voting members are Representatives Fajardo, Gonzales and Madalena and Senators Cotter, Ingle and McSorley. Advisory members are Representatives Dodge, Bealquin Bill Gomez and Hall and Senators Martinez, O'Neill, Ortiz y Pino, Padilla and Rue.

New Mexico Finance Authority Oversight Committee: Senator Joseph Cervantes will serve as chair and Representative Powdrell-Culbert will serve as vice chair. Other voting members are Representatives Adkins, Clahchischilliage, Candy Spence Ezzell, Gomez, Dona G. Irwin, Idalia Lechuga-Tena, Lundstrom, Nunez, Roybal Caballero, Ruiloba and Youngblood and Senators Cotter, Griggs, Martinez, Padilla, Rodriguez, Ryan and Soules. Advisory members are Representatives Baldonado, Dodge, Egolf, Fajardo, Gonzales, Maestas Barnes, Rodella, Tomás E. Salazar, Stapleton and Tripp and Senators Beffort, Candelaria, Ingle, O'Neill, Papen, Payne, Pinto and Clemente Sanchez.

Public School Capital Outlay Oversight Task Force: Senator Sapien will serve as chair and Representative Roch will serve as vice chair. Other legislative voting members are Representatives Clahchischilliage, Yvette Herrell, Larrañaga, Madalena, W. Ken Martinez and Tripp and Senators Ingle, Papen, Rue, Shendo and Smith. Public members are Paul Aguilar, Tom Clifford, Carl Foster, Lisa Grover, Tracy Hoffman, T.J. Parks, Mike Phipps, Jerry Stagner, Allan Tapia and James P. White. Advisory members are Representatives Alcon, Johnson, Roybal Caballero, Ruiloba and Smith and Senators Ivey-Soto, Morales, Pirtle, Ryan, Sharer, Soules, Stewart and Woods.

Radioactive and Hazardous Materials Committee: Representative Brown will serve as chair and Senator Ivey-Soto will serve as vice chair. Other voting members are Representatives Alcon, Garcia Richard, Romero, Scott and Townsend and Senators Barela, Cisneros, Kernan, Leavell and Martinez. Advisory members are Representatives David M. Gallegos, Rod Montoya, Nick L. Salazar and Jim R. Trujillo and Senators Burt, Griggs, Ingle, Payne, Pinto, Rodriguez and Clemente Sanchez.

Revenue Stabilization and Tax Policy Committee: Representative Harper will serve as chair and Senator Cisneros will serve as vice chair. Other voting members are Representatives David M. Gallegos, Lewis, Maestas, Montoya, Rodella, James R.J. Strickler, Carl Trujillo and Jim R. Trujillo and Senators Barela, Beffort, Moores, Munoz, Clemente Sanchez, Sharer, Smith and Wirth. Designees are Representatives Adkins, Clahchischilliage, Crowder, Egolf, Garcia,

Garcia Richard, Gomez, James, Lechuga-Tena, Javier Martinez, Bill McCamley, Tomás E. Salazar, Steinborn and Townsend and Senators Burt, Candelaria, Cotter, Ingle, Kernan, Rodriguez, Sapien and Woods.

Tobacco Settlement Revenue Oversight Committee: Senator McSorley and Representative Zimmerman will serve as co-chairs. Other voting members are Representatives Chasey and Youngblood and Senators Ryan and Smith. Advisory members are Representatives Ruiloba, Tripp and Jim R. Trujillo and Senators Lopez and Papen.

Commission on Uniform State Laws: Legislative members are Representatives Cook and Maestas and Senators McSorley and Payne. Public members are Jack Burton, Phillip Larragoite, Raymond G. Sanchez and Paula Tackett.

Educational Commission of the States: Legislative members are Representative Roch and Senator Sapien.

Council-Created Committees:

Courts, Corrections and Justice Committee: Representative Cook and Senator Martinez will serve as co-chairs. Other voting members are Representatives Alcon, Chasey, Dines, Little, Louis, Maestas, Nunez and William "Bill" R. Rehm and Senators Cervantes, Lopez, McSorley, Rue and Lisa Torracco. Advisory members are Representatives Egolf, Doreen Y. Gallegos, W. Ken Martinez, Paul A. Pacheco, Roybal Caballero, Ruiloba and Christine Trujillo and Senators Brandt, Candelaria, Ivey-Soto, O'Neill, Payne, Pinto, Michael S. Sanchez, Stewart and Wirth.

Economic and Rural Development Committee: Representative Little will serve as chair and Senator Shendo will serve as vice chair. Other voting members are Representatives Johnson, Rodella, Roybal Caballero, Wooley and Zimmerman and Senators Candelaria, Griggs, Martinez, Padilla, Pinto and Woods. Advisory members are Representatives Alcon, Dodge, Espinoza, Gomez, Hall, Hamilton, Lundstrom, Roch and Nick L. Salazar and Senators Brandt, Cotter, Leavell, Moores, Papen and Sharer.

Indian Affairs Committee: Representative Clahchischilliage and Senator Pinto will serve as co-chairs. Other voting members are Representatives Cook, Herrell, Johnson, Louis, Madalena and Smith and Senators Barela, Martinez, Pirtle, Rodriguez, Ryan, Shendo and Soules. Advisory members are Representatives Alcon, Lundstrom, Rodella, Roybal Caballero and Nick L. Salazar and Senators Cisneros, Ingle, Ivey-Soto, McSorley, Munoz and Clemente Sanchez.

Investments and Pensions Oversight Committee: Senator Munoz will serve as chair and Representative Youngblood will serve as vice chair. Other voting members are Representatives Garcia, Larrañaga, Powdrell-Culbert, Rehm, Jim R. Trujillo and Varela and Senators Beffort, Candelaria, Leavell, Neville, O'Neill and Soules. Advisory members are Representatives

Gonzales, Lundstrom, Tomás E. Salazar, Smith and Stapleton and Senators Barela, Cisneros, Ingle, Papen, Payne, Ryan and Michael S. Sanchez.

Jobs Council: Senator Papen and Representative Tripp will serve as co-chairs. Other legislative voting members are Representatives Gonzales, Lewis, Maestas Barnes and W. Ken Martinez and Senators Ingle, Munoz, Padilla, Ryan, Michael S. Sanchez, Stewart and Woods. Public voting members are Vicente Alvarado, Dale Armstrong, Scott Bannister, Terry Brunner, Terri L. Cole, Jason Espinoza, William Fulginiti, Justin Greene, Steven Kopelman, Sherman McCorkle, Alex O. Romero and Eric Witt. Advisory members are Representatives Adkins, Baldonado, Brown, Fajardo, Garcia Richard, Gomez, Herrell, James, Larrañaga, McCamley, Rodella, Roybal Caballero and Youngblood and Senators Burt, Cisneros, Morales, Neville and Soules.

The Legislative Council authorized \$20,000 from the interim expenses account for consultants to work with the Jobs Council.

Land Grant Committee: Senator Candelaria will serve as chair and Representative Maestas Barnes will serve as vice chair. Other voting members are Representatives David M. Gallegos, Garcia, Hall, Rodella, Tomás E. Salazar and Wooley and Senators Barela, Cotter, Lopez, Martinez, Ortiz y Pino and Rue. Advisory members are Representatives Alcon, Bandy, Crowder, Johnson, Lundstrom, Matthew McQueen and Christine Trujillo and Senator Cisneros.

Science, Technology and Telecommunications Committee: Senator Padilla will serve as chair and Representative Smith will serve as vice chair. Other voting members are Representatives Garcia Richard, Harper, James, McCamley, Rodella, Carl Trujillo and Zimmerman and Senators Burt, Ivey-Soto, O'Neill and Ryan. Advisory members are Representatives Fajardo, Maestas, Nick L. Salazar, Varela and Youngblood and Senators Candelaria, Cisneros, Griggs, Martinez, Neville, Papen, Payne, Rodriguez and Wirth.

Water and Natural Resources Committee: Representative Ezzell will serve as chair and Senator Wirth will serve as vice chair. Other voting members are Representatives Bandy, Crowder, Irwin, Madalena, Javier Martinez, McQueen, Nunez, Steinborn and Strickler and Senators Cervantes, Pirtle, Rue, Shendo and Stewart. Advisory members are Representatives Brown, Clahchischilliage, Dodge, Egolf, Espinoza, David M. Gallegos, Gomez, Hall, Johnson, Larrañaga, Lechuga-Tena, Lewis, Little, McCamley, Romero, Tomás E. Salazar, Townsend, Tripp, Wooley and Zimmerman and Senators Barela, Campos, Cisneros, Cotter, Griggs, Ingle, Kernan, Leavell, Lopez, McSorley, Neville, Ortiz y Pino, Papen, Rodriguez, Ryan, Sharer and Smith.

Transportation Infrastructure Revenue Subcommittee: Senator Smith will serve as chair and Representative David M. Gallegos will serve as vice chair. Other voting members are Representatives Brown, Gonzales and Ruiloba and Senators Cotter, Griggs and Clemente Sanchez. Advisory members are Representatives Clahchischilliage, Gomez, Johnson, Little,

Lundstrom, Montoya, Pacheco and Powdrell-Culbert and Senators Candelaria, Cisneros, Payne and Sharer.

The council re-created the subcommittee as a subcommittee of the Legislative Council and was authorized to hold two one-day meetings.

The council also created a new subcommittee: the Capitol Security Subcommittee. Members are Representatives Egolf, Rehm, Ruiloba and Youngblood and Senators Ingle, Ivey-Soto, Sharer and Wirth.

The council authorized the speaker and president pro tempore to make any other necessary changes to interim committees.

Out-of-State Travel for Non-Returning Members

Mr. Burciaga explained that statute prohibits members of the legislature who have not filed for reelection or who are defeated in either the primary or general election from being reimbursed for out-of-state meeting costs unless authorized by a three-fourths' vote of the Legislative Council. Action on this item was postponed to the June meeting.

In response to a question about limiting travel to only those members who have been assigned to committees of national organizations, Mr. Burciaga explained that the LCS does not keep track of out-of-state travel in relationship to membership on committees.

LCS, House and Senate Fiscal Year (FY) 2017 Budgets

Mr. Burciaga provided the council with budgets for the LCS, house and senate for FY 2017. He explained that the amounts reflected a four percent reduction as required in House Bill 2, and while the budgets were appropriated in House Bill 1, Legislative Council approval is required before submitting the budgets to the Department of Finance and Administration (DFA).

On a motion made, seconded and passed, the council approved the LCS, house and senate FY 2017 budgets as submitted.

Mr. Burciaga also explained that, due to a reduction in the FY 2016 appropriations in House Bill 2 budgets, a \$200 reversion amount is due to the DFA for New Mexico's dues to the Energy Council. He explained that this approval is necessary since the dues had been paid prior to the reduction.

On a motion made, seconded and passed, the council authorized a transfer of \$200 from the legislative interim expense account to the DFA for the reduction of the Energy Council dues appropriation for FY 2016.

Requests for Use of Capitol Chambers

Mr. Burciaga explained that there were two requests for use of the house and/or senate chambers in 2016: the Model United Nations program on November 16, 17 and 18; and Emerge New Mexico on September 17.

On a motion made, seconded and passed, the council authorized both requests for use of the Capitol chambers.

Uniform Law Commission — Request for Reimbursement

Mr. Burciaga stated that the LCS had received a request from the Office of the Governor to reimburse the governor's appointees to the Uniform Law Commission for their expenses related to commission meetings. He explained that a 2009 law change expanded the number of members appointed by the council, added two members appointed by the governor and removed the provision that members attend at their own expense.

Mr. Burciaga mentioned that a separation of powers issue could exist, noting that legislators can only be reimbursed by the legislature. He also said that the speaker and president pro tempore, as co-chairs of the council, appoint members to executive boards and commissions.

The council discussed reimbursement rates in the Per Diem and Mileage Act, which cover actual expenses versus legislative reimbursement rates, as well as other reimbursement rates set by law and the Constitution of New Mexico.

On a motion made, seconded and passed, the council authorized reimbursement of governor's appointees to the Uniform Law Commission at the same rate as legislators.

Staff Reports

Mr. Burciaga noted that a list of organizational meetings for interim committees had been provided to council members. He also said that staff was in the process of developing a calendar with suggested meeting dates for the rest of the interim and would be sending it, along with a letter informing members of their interim committee appointments, to all members in the next few weeks.

Mr. Burciaga also indicated that the Public Regulation Commission (PRC) had contacted him about assigning an interim committee to study best practices for the commission and develop recommendations regarding recusal of commission members from votes. He said that he explained to the PRC that the LCS does not assign matters to interim committees; instead, the council is responsible for work plans for each committee. Mr. Burciaga noted that he had suggested that the PRC seek an attorney general's opinion on the matter and that he agreed to pass the matter on to the council. He also pointed out that he had responded in writing and left messages with PRC staff, but he had not heard back.

On a motion made, seconded and passed, the council added the issue to the work plan of the Courts, Corrections and Justice Committee.

Mr. Burciaga noted that new member orientation and ethics training for all members would be held in mid-December.

He also provided the council with the following reminders regarding interim committees:

- statute requires that all committees terminate on or before December 1 unless authorized by the council;
- council policy states that no meetings may be held outside of the State Capitol after September 30 unless authorized by the council; and
- while LCS staff will try to call and email members more often regarding upcoming interim committee meetings, some meetings might have to be canceled if attendance appears to be an issue.

In response to a question regarding interim committee travel the last time New Mexico faced a budget shortfall, Mr. Burciaga explained that the council reduced the overall number of meetings and limited out-of-town meetings during the 2009 interim.

Senator Ingle reminded the council that Senator Sharer was in the process of getting financial commitments from New Mexico colleges, universities and organizations, such as the New Mexico Municipal League and the New Mexico Association of Counties, to conduct a study on New Mexico's tax policy, and he would likely return to the council to seek additional funding.

Mr. Burciaga noted that the *Highlights* publication had been completed, and he provided copies to members of the council.

In response to a question, Mr. Burciaga said that staff would try to let members know of meetings that might satisfy continuing legal education requirements for members.

There being no further business, the council adjourned at 11:05 a.m.