



**MINUTES
of the
FOUR-HUNDRED-TWENTIETH MEETING
of the
LEGISLATIVE COUNCIL**

**June 24, 2024
State Capitol, Room 307
Santa Fe**

The four-hundred-twentieth meeting of the Legislative Council was called to order by Representative Javier Martínez, co-chair, on June 24, 2024 at 9:51 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Rep. Javier Martínez, Co-Chair
Sen. Mimi Stewart, Co-Chair
Rep. Gail Armstrong
Sen. Craig W. Brandt
Rep. Gail Chasey
Sen. Katy M. Duhigg
Rep. Alan T. Martinez
Sen. Steven P. Neville
Sen. Peter Wirth

Special Advisory Members Present

Rep. Eliseo Lee Alcon*
Sen. Pete Campos*
Rep. William "Bill" R. Rehm

Absent

Sen. Gregory A. Baca
Rep. Rod Montoya
Sen. Michael Padilla
Rep. Andrea Romero
Rep. Patricia Roybal Caballero
Sen. Benny Shendo, Jr.
Rep. Reena Szczepanski

Special Advisory Members Absent

Rep. Cathrynn N. Brown
Rep. Christine Chandler
Rep. Joanne J. Ferrary
Rep. Doreen Y. Gallegos
Rep. Joy Garratt
Rep. Susan K. Herrera
Rep. Dayan Hochman-Vigil
Rep. D. Wonda Johnson
Rep. Matthew McQueen
Rep. Randall T. Pettigrew
Sen. Antoinette Sedillo Lopez
Rep. Nathan P. Small
Rep. Elizabeth "Liz" Thomson

*Appointed by the speaker of the house of representatives or the president pro tempore of the senate as a voting member for this meeting only.

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Shawna Casebier, Assistant Director for Drafting Services, LCS

Anesa Serna-Espinoza, Assistant Director for Administration, LCS
Jeret Fleetwood, Project Coordinator, LCS
Erin Bond, Researcher, LCS
Sara Wiedmaier, Researcher, LCS
Domenica Nieto, Research Assistant, LCS

Approval of Minutes

On a motion made, seconded and approved, the council adopted the minutes of the May 13, 2024 meeting of the council as submitted.

Executive Session — Litigation

On a motion made and approved, the council entered an executive session to discuss litigation in *Atencio v. State of New Mexico*.

Upon a motion made and approved, the council returned to open session.

Legislative District Offices

Representative Martínez informed the council that legislative staff were asked to develop a policy for new legislative district offices and noted that the policy was shared with the four caucuses. Mr. Burciaga discussed the policy, as well as changes to the policy as recommended by the staff working group. The policy includes hiring, compensation, supervision and duties of district legislative aides and district office liaisons; locations and leasing of district offices; prohibitions on nepotism and electioneering; and administrative and logistical support and training by the LCS for district legislative aides.

Mr. Burciaga discussed the time line for hiring district legislative aides as proposed by the staff working group. Incumbent legislators with no opposition in the November 2024 election may hire an aide starting September 1, 2024; incumbent legislators with opposition who win the general election may hire an aide starting December 1, 2024. Newly elected legislators — those who win the November 2024 election and are sworn in during the 2025 regular session — may hire an aide starting April 1, 2025.

Mr. Burciaga addressed a question from the May 13, 2024 council meeting regarding legislators' liability and noted that legislative immunity does not grant any licenses to commit crimes. He also noted that the district office policies may need to be updated intermittently.

In response to questions from a council member, Mr. Burciaga clarified that contracts for district legislative aides must follow the Procurement Code and that the council may need to adopt a policy on contracting and hiring multiple part-time aides for one legislator. A member discussed the possibility of using donated office space instead of public or leased buildings. Mr. Burciaga confirmed that office space is intended for aides, not legislators, and members expressed the need for dedicated meeting spaces in districts.

In response to concerns regarding the cost and growth of state government, Mr. Burciaga confirmed that roughly \$16 million is required annually to fund district offices and staff. He noted that the \$6 million appropriated in the 2024 regular legislative session is to be used for salaries, benefits, offices and office supplies in 2024 but that additional funding would be needed for 2025. Support staff at the LCS could be hired in 2024 using funds for interim expenses.

Mr. Burciaga informed the council that the staff working group would discuss district legislative aides working in multiple counties based on the composition of the district. He also noted, in response to a question, that the staff working group was concerned that newly elected legislators are often overwhelmed and, thus, the working group chose a later hiring date for their aides.

On a motion made and unanimously passed, the council approved the legislative district office policy and time line with the staff working group's recommendations incorporated. The adopted policy can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=ALC&Date=6/24/2024&ItemNumber=3>.

Interim Committee Work Plans and Budgets

Interim committee work plans and budgets were presented by designated LCS staff. Mr. Burciaga recognized the hiring of a new law intern, Michel Rivera, and a new assistant librarian, Aginetta Mulima. Mr. Burciaga also noted that the LCS understands that, due to the fires in Ruidoso, meeting schedules may need to be revised to avoid interfering with recovery efforts.

The meeting dates in the work plan for the Legislative Health and Human Services Committee were unchanged from their adoption at the May 13, 2024 council meeting, and the budget of \$61,402 for voting members, \$170,262 for advisory members and \$10,000 for expert testimony was approved.

The Courts, Corrections and Justice Committee work plan had no revisions to the meeting dates adopted at the May 13, 2024 council meeting. The committee's budget of \$88,911 for voting members, \$86,120 for advisory members, \$5,000 for expert testimony and \$50,000 for professional services was approved.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$24,592 for voting members and \$30,150 for advisory members for the Military and Veterans' Affairs Committee were approved as submitted.

The council also approved an extra day of per diem for Military and Veterans' Affairs Committee members to attend a ribbon cutting for the Vietnam Veterans Memorial in Angel Fire.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$67,387 for voting members and \$105,739 for advisory members for the Economic and Rural Development and Policy Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$27,701 for voting members, \$16,036 for advisory members and \$3,000 for expert testimony for the Investments and Pensions Oversight Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$14,362 for voting members, \$17,877 for advisory members and \$2,000 for expert testimony for the Mortgage Finance Authority Act Oversight Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$83,314 for voting members and \$81,246 for advisory members for the Water and Natural Resources Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$53,018 for voting members, \$22,635 for standing advisory members and \$5,000 for professional services for the Revenue Stabilization and Tax Policy Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$35,130 for voting members and \$28,895 for advisory members for the Land Grant Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$41,290 for voting members and \$37,727 for advisory members for the Science, Technology and Telecommunications Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$33,888 for voting members, \$9,271 for advisory members and \$2,000 for professional services for the Public School Capital Outlay Oversight Task Force were approved as submitted.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$66,454 for voting members and \$42,831 for advisory members for the Indian Affairs Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$43,972 for voting members, \$33,571 for advisory members and \$4,000 for expert testimony for the Transportation Infrastructure Revenue Subcommittee were approved as submitted.

The work plan, meeting schedule and a budget of \$67,703 for voting members and \$38,966 for advisory members for the New Mexico Finance Authority Oversight Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$14,431 for voting members and \$9,140 for advisory members for the Tobacco Settlement Revenue Oversight Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$38,006 for voting members and \$14,485 for advisory members for the Radioactive and Hazardous Materials Committee were approved as submitted.

Mr. Burciaga recommended and the council unanimously approved that the Capitol Security Subcommittee not be created this year and the responsibilities be assumed by the Facilities Review Subcommittee.

The work plan and a budget for of \$7,968 for a one-day meeting in Santa Fe for the Interim Legislative Ethics Committee to discuss laws and policies associated with the committee were approved as submitted. Other meetings may need to be funded as necessary. Representative Martínez noted that he would appoint a member to fill a vacancy on the committee at the July council meeting.

On a motion made and passed, the council approved the interim committee work plans as submitted and discussed.

Representative Martínez implored members to attend committee meetings so quorums or special subcommittees can be established.

Mr. Burciaga requested the use of the Capitol Kitchen Fund to purchase coffee and supplies for interim committee meetings in the State Capitol.

Mr. Burciaga explained that the May 20, 2024 meeting of the Public School Capital Outlay Oversight Task Force did not establish quorum or a special subcommittee due to traffic on Interstate 25 and requested council approval of per diem and mileage for the task force members who attended the meeting.

Additionally, Mr. Burciaga informed the council that Senate Memorial 5 (2024) requests legislative appointments to a task force on restructuring the Children, Youth and Families Department and requested council approval to allow per diem and mileage for legislators appointed to the task force.

On a motion made and passed, the council approved: the use of the Capitol Kitchen Fund for coffee and supplies; per diem and mileage for the Public School Capital Outlay Oversight Task Force members who attended the meeting on May 20, 2024; and per diem and mileage for legislators appointed to the Senate Memorial 5 (2024) task force.

Senator Stewart announced that Senator Shendo will serve as an advisory member of the Economic and Rural Development and Policy Committee and the Water and Natural Resources

Committee; a standing advisory member of the Revenue Stabilization and Tax Policy Committee; and a voting member of the Legislative Finance Committee. Senator Shendo was subsequently made an advisory member of the Public School Capital Outlay Oversight Task Force.

Senator Stewart announced that Senator Campos will serve as the vice chair of the Revenue Stabilization and Tax Policy Committee and Senator Siah Correa Hemphill will serve as a standing advisory member of the Legislative Finance Committee.

Classification and Compensation Plan

Mr. Burciaga discussed changes to the legislative staff classification and compensation plan as suggested by the staff working group. Possible changes include the makeup of the working group, the process by which the compensation ranges are updated, range maximums for salaries of newly hired employees, salary increase approvals for upper-level management, longevity increases for staff who have served for at least 10 years and tuition reimbursement. Mr. Burciaga asked that the council approve a proposal to hire new staff at no more than 75 percent of their compensation maximum and noted that this would apply to current positions and the newly created district office staff.

On a motion made and unanimously passed, the council approved hiring new staff at no more than 75 percent of the compensation maximum. Subsequent to the adoption of this motion, it was discovered that a quorum had not been present at the time the motion was voted upon. After the necessary appointments were made, the motion was taken up again and passed with no opposition.

Staff Reports

Mr. Burciaga noted that the LCS will develop training sessions for leadership offices, district office liaisons and legislators on human resources issues as they prepare to hire district staff. Newly hired district staff will also be required to undergo training to prepare them for legislative service.

Mr. Burciaga informed the council of plans to hold new member orientation, a council meeting and ethics training for legislators from December 2 through 6, 2024 to prepare for the 2025 legislative session.

Mr. Burciaga announced that the next council meeting is scheduled for July 18, 2024, before the anticipated special session. Senator Stewart noted that the meeting would be used to discuss the classification and compensation plan and to interview candidates for the position of LCS director.

On a motion made and passed, the council approved a request to allow the LCS to use up to \$1 million in legislative interim expenses to hire staff to support district offices and district staff.

Adjournment

There being no further business before the council, the meeting adjourned at 11:37 a.m.