

**TWENTY-FIFTH BIENNIAL REPORT**  
**JULY 1, 2000 THROUGH JUNE 30, 2002**

**New Mexico Legislative Council**  
**and**  
**New Mexico Legislative Council Service**

**202.146941**



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## **PART 1**

### **THE LEGISLATIVE COUNCIL**

#### **Description**

The New Mexico legislative council is a 16-member permanent joint interim committee of the legislature. Its primary function, essentially, is to serve as an interim board of directors for the legislature. It also directs general operations of the legislative council service. The law concerning the council reads as follows:

#### **2-3-1. NEW MEXICO LEGISLATIVE COUNCIL**

CREATED.--There is created a legislative joint committee of the house and senate to be designated "the New Mexico legislative council", composed of sixteen members, eight from the house and eight from the senate. The president pro tempore and the minority floor leader of the senate and the speaker of the house of representatives and the minority floor leader of the house shall automatically be members of the council. Six of the remaining members shall be appointed from the house of representatives by the speaker; provided that, if the minority is entitled to more than one member, the additional minority members shall be appointed by the speaker only from recommendations made by the minority floor leader, although the speaker shall retain the right to reject any such recommendations; and six of the remaining members shall be appointed from the senate by the committees' committee or, if the appointments are made in the interim, by the president pro tempore after consultation with and agreement of a majority of the members of the committees' committee. If the minority is entitled to more than one member, one of the remaining six members shall be appointed by the senate minority floor leader. The appointed members of the council shall be appointed from each house so as to give the two political parties having the most members in each house the same total proportionate representation on the council as prevails in that house; providing that in the computation, major fractions shall be counted as whole numbers, and in no event shall either of the two major parties have less than one member from each house. The members shall be appointed for terms of two years or less expiring on the first day of the regular session held in odd-numbered years. The term of any member shall terminate

when such member ceases to be a member of the legislature. Provided, however, that members of the council reelected to the legislature shall continue to serve as members of the council until their successors are appointed. Vacancies on the council may be filled for the unexpired term by appointment from the house or senate respectively by the respective appointing authority which makes the original appointments and subject to the same recommendations; provided such new members must be from the same body of the legislature and the same party from which their predecessors were appointed. The council shall elect such other officers as may be deemed necessary from among its own members. The officers shall be elected for terms coterminous with their membership on the council. The speaker and the president pro tempore shall be co-chairmen of the council. No action shall be taken by the council if a majority of the total membership from either house on the council rejects such action. This 1978 amendment shall not be construed to cut short the term of any member already appointed to the council.

As a matter of policy, all members of the legislature serve as advisory members of the council. They are invited to all meetings of the council and, upon request, are furnished a copy of the minutes after approval.

### **Historical Background**

As originally constituted in 1951, the council was a standing committee of the legislature and was composed of nine members. The lieutenant governor, as president of the senate, and the speaker of the house of representatives were automatic members. The remaining seven members were appointed by the president of the senate and the speaker of the house: three from the senate and four from the house. Not more than two members appointed from each house could belong to the same political party. Senate members served for four years and house members for two years.

In 1955, the membership of the council was increased to 13, providing for two additional members from each house. The 1955 amendment also revised the bipartisan requirement to give political parties the same proportionate representation on the council that prevailed in each house.

The council was made a permanent joint interim committee in 1957. The lieutenant governor was removed as a member and replaced by the president pro tempore of the senate. The appointing authority was changed to conform with the rules by which standing committees of the respective houses are appointed. The terms of all members were set at two years.

In 1978, the membership was increased to 16 members consisting of equal representation from each house. As stated above, procedures were established for selection of minority members. Changes in voting procedures were also made whereby no action could be taken by the council if a majority of the total membership from either house rejected the action.

### **Duties of the Council**

The duties of the legislative council range in scope from directing the staff of the legislative council service to exercising the exclusive control of the buildings and grounds of the state capitol and state library.

Specifically, the statutory duties of the legislative council set out in the law are as follows:

2-3-3. LEGISLATIVE COUNCIL--POWERS--DUTIES.--  
It shall be the duty of the legislative council:

A. to adopt rules and regulations for the administration of this act in the conduct of the affairs of the council service;

B. to formulate policies for the operation and conduct of the business of the council service, and generally to supervise all of the activities of such council service;

C. to carry out the purposes of the council service as hereafter set forth;

D. to create committees of legislators to study major problems during the periods when the legislature is not in session; provided that:

(1) no member of the council shall serve as an officer or voting member on an interim committee appointed or created by the council;

(2) all committees created by the council shall terminate on or before December 1 of the year in which they are created, unless the council subsequently extends the life of the committee for not more than one month;

(3) the minority party shall be represented on all council-created committees in the proportion the minority party is represented in each house;

(4) the relationship of the size of the house and senate shall be taken into consideration in determining the number of members from each house appointed to an interim committee created by the council; and

(5) members shall be appointed to council-created committees by the same appointing authorities that appointed the council members from each house, and subject to the same recommendations. The council shall name committee officers from among the committee members so appointed;

E. to adopt rules of procedure for all committees created by the council, including a rule that no action shall be taken by the committee if a majority of the total membership from either house on the committee rejects such action; provided that no member of the legislature shall ever be excluded from any meeting of any committee appointed by the council; and

F. to refrain from advocating or opposing the introduction or passage of legislation.

2-3-4. CONTROL OF BUILDING HOUSING LEGISLATURE, ADJACENT UTILITY PLANT AND SURROUNDING GROUNDS.--Notwithstanding the provisions of Chapter 6, Articles 1 and 2, New Mexico Statutes Annotated, 1953 Compilation, the exclusive control, care, custody and maintenance of the building in which the legislature is housed, the adjacent utilities plant and the surrounding grounds are transferred from the capitol buildings improvement commission, and the capitol custodian commission, to the legislative council.

2-3-6. CONTROL OF STATE LIBRARY BUILDING AND SURROUNDING GROUNDS.--Notwithstanding the provisions of Chapter 6, Article 1, NMSA 1953, the exclusive

control for the care, custody and maintenance of the building in which the state library is housed, and the surrounding grounds, are [is] transferred from the capitol custodian commission to the legislative council.

In addition, the members of the legislative council serve as ex-officio members of the commission on intergovernmental cooperation. The duties of the commission are set out in Section 11-2-2 NMSA 1978 as follows:

A. to carry forward the participation of this state as a member of the council of state governments;

B. to encourage and assist the legislative, executive, administrative and judicial officials and employees of this state to develop and maintain friendly contact by correspondence, by conference and otherwise, with officials and employees of the other states, of the federal government and of local units of government;

C. to endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating:

(1) the adoption of compacts;

(2) the enactment of uniform or reciprocal statutes;

(3) the adoption of uniform or reciprocal administrative rules and regulations;

(4) the informal cooperation of governmental offices with one another;

(5) the personal cooperation of governmental officials and employees with one another, individually;

(6) the interchange and clearance of research and information; and

(7) any other suitable process;

D. in short, to do all such acts as will, in the opinion of this commission, enable this state to do its part or more than its part in forming a more perfect union among the various governments in the United States and in developing the council of state governments for that purpose.

### **Policy Changes**

The legislative council made two policy changes during the 2000-2002 biennium. It slightly modified the New Mexico Legislative Staff Code of Conduct to state that legislative employees "shall use state resources only to conduct state business" but also allowed for "occasional and incidental use of state resources that does not interfere with the employee's duties". It also amended policy concerning reimbursement to legislators for travel to meetings for national committees such as the national conference of state legislatures. Subsection C of Policy 4 was stricken in its entirety and replaced with the following new language:

"C. Subject to the availability of funds, a legislator may be reimbursed once each year for attendance at a meeting of a legislative or public policy organization of which New Mexico is not a dues-paying member, provided attendance at the meeting relates to the legislator's interim committee duties."

### **Subcommittees**

In June 2001, the legislative council established the public regulation commission (PRC) subcommittee; in August 2001, the natural gas pipeline study subcommittee; in January 2002, the capitol recognition subcommittee; and also in January 2002, the legislative website subcommittee.

### **Membership**

Legislative council members in 2001<sup>1</sup> were:

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<sup>1</sup>Memberships on interim committees often change over the interim, and this report uses the end of the interim to determine membership. *See* COMMITTEE & LEADERSHIP LISTS in the legislative council service library for changes during the interim.

Rep. Ben Lujan, Santa Fe, co-chairman  
Sen. Richard M. Romero, Albuquerque, co-chairman  
Sen. Ben D. Altamirano, Silver City  
Rep. George D. Buffett, Albuquerque  
Sen. Joseph A. Fidel, Grants  
Rep. Ted Hobbs, Albuquerque  
Sen. Stuart Ingle, Portales  
Sen. Timothy Z. Jennings, Roswell  
Sen. Patrick H. Lyons, Cuervo  
Rep. W. Ken Martinez, Grants  
Sen. Cisco McSorley, Albuquerque  
Rep. Danice Picraux, Albuquerque  
Sen. Leonard Lee Rawson, Las Cruces  
Rep. Earlene Roberts, Lovington  
Rep. James G. Taylor, Albuquerque  
Rep. Donald L. Whitaker, Eunice

Special Advisory Members:

Sen. Rod Adair, Roswell  
Sen. Mary Jane M. Garcia, Doña Ana  
Sen. Carroll H. Leavell, Jal  
Rep. Patricia A. Lundstrom, Gallup  
Rep. James Roger Madalena, Jemez Pueblo  
Sen. Roman M. Maes, III, Santa Fe  
Rep. Terry T. Marquardt, Alamogordo  
Sen. Cynthia Nava, Las Cruces  
Sen. Lidio G. Rainaldi, Gallup  
Rep. Debbie A. Rodella, San Juan Pueblo  
Rep. Joe M Stell, Carlsbad  
Rep. Joe Thompson, Albuquerque  
Rep. Jeannette O. Wallace, Los Alamos  
Rep. Leo C. Watchman, Jr., Navajo

Legislative council members in 2002 were:

Rep. Ben Lujan, Santa Fe, co-chairman  
Sen. Richard M. Romero, Albuquerque, co-chairman  
Sen. Ben D. Altamirano, Silver City  
Rep. George D. Buffett, Albuquerque  
Sen. Dianna J. Duran, Tularosa  
Sen. Joseph A. Fidel, Grants  
Rep. Ted Hobbs, Albuquerque  
Sen. Stuart Ingle, Portales

Sen. Timothy Z. Jennings, Roswell  
Rep. W. Ken Martinez, Grants  
Sen. Cisco McSorley, Albuquerque  
Rep. Danice Picraux, Albuquerque  
Sen. Leonard Lee Rawson, Las Cruces  
Rep. Earlene Roberts, Lovington  
Rep. James G. Taylor, Albuquerque  
Rep. Donald L. Whitaker, Eunice

Special Advisory Members:

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Sen. Carroll H. Leavell, Jal  
Rep. Patricia A. Lundstrom, Gallup  
Rep. James Roger Madalena, Jemez Pueblo  
Sen. Roman M. Maes, III, Santa Fe  
Rep. Terry T. Marquardt, Alamogordo  
Sen. Cynthia Nava, Las Cruces  
Sen. Lidio G. Rainaldi, Gallup  
Rep. Debbie A. Rodella, San Juan Pueblo  
Rep. Joe M Stell, Carlsbad  
Rep. Joe Thompson, Albuquerque  
Rep. Jeannette O. Wallace, Los Alamos  
Rep. Leo C. Watchman, Jr., Navajo

**Staff:** The legislative council is staffed by Paula Tackett, director; Kathy Pacheco-Dofflemeyer, assistant director for administration; John Yaeger, assistant director for legislative affairs; and Jeret Fleetwood, *Locator* coordinator and committee staff. Other legislative council service staff assist as needed.

### **Interim Committees**

As in the past, interim committees were an integral part of the legislature's work during the twenty-fifth biennium. In addition to the other permanent interim committees, i.e. the legislative finance committee and the legislative education study committee, which have their own staff, the legislative council staffed 18 interim committees during the 2001 interim and 17 interim committees during the 2002 interim.

This section sets out the committees' proposed work plans, which are created at the beginning of the interim period. As the interim progresses and new developments occur, the committees' objectives and, consequently, work may deviate from the original plans. All interim committees have the authority to make recommendations, including possible legislation, that they deem necessary, so that direction has not been included in the individual work plans.

### **Legislative Education Study Committee**

Members of the legislative education study committee are appointed pursuant to the statutory authority contained in Section 2-10-1 NMSA 1978. As a permanent interim committee of the legislature, the committee publishes a separate report of its findings and recommendations.

Members of the legislative education study committee in 2001 were:

Sen. Cynthia Nava, Las Cruces, chairwoman  
Rep. Rick Miera, Albuquerque, vice chairman  
Sen. Shirley M. Bailey, Hobbs  
Rep. Roberto "Bobby" J. Gonzales, Taos  
Rep. Dianne Miller Hamilton, Silver City  
Sen. Mary Kay Papen, Las Cruces  
Sen. William E. Sharer, Farmington  
Rep. Mimi Stewart, Albuquerque  
Rep. Mario Urioste, Clovis  
Rep. W. C. "Dub" Williams, Glencoe

#### Advisory Members:

Sen. Rod Adair, Roswell  
Sen. Carlos R. Cisneros, Questa  
Sen. Dianna J. Duran, Tularosa  
Rep. William W. Fuller, Albuquerque  
Sen. Mary Jane M. Garcia, Doña Ana  
Sen. Ramsay L. Gorham, Albuquerque  
Rep. John A. Heaton, Carlsbad  
Rep. Rhonda S. King, Stanley  
Sen. Linda M. Lopez, Albuquerque  
Rep. Pauline J. Ponce, Roswell  
Rep. Earlene Roberts, Lovington  
Rep. John A. Sanchez, Albuquerque  
Rep. Sheryl Williams Stapleton, Albuquerque  
Rep. J. Paul Taylor, Mesilla  
Sen. Leonard Tsosie, Crownpoint

Rep. Richard D. Vigil, Ribera

Members of the legislative education study committee in 2002 were:

Sen. Cynthia Nava, Las Cruces, chairwoman  
Rep. Rick Miera, Albuquerque, vice chairman  
Rep. Roberto "Bobby" J. Gonzales, Taos  
Rep. Dianne Miller Hamilton, Silver City  
Sen. Gay G. Kernan, Hobbs  
Sen. Mary Kay Papen, Las Cruces  
Sen. William E. Sharer, Farmington  
Rep. Mimi Stewart, Albuquerque  
Rep. Mario Urioste, Clovis  
Rep. W. C. "Dub" Williams, Glencoe

Advisory Members:

Sen. Rod Adair, Roswell  
Sen. Carlos R. Cisneros, Questa  
Sen. Dianna J. Duran, Tularosa  
Rep. William W. Fuller, Albuquerque  
Sen. Mary Jane M. Garcia, Doña Ana  
Rep. Ron Godbey, Cedar Crest  
Sen. Ramsay L. Gorham, Albuquerque  
Rep. John A. Heaton, Carlsbad  
Rep. Rhonda S. King, Stanley  
Sen. Linda M. Lopez, Albuquerque  
Rep. Pauline J. Ponce, Roswell  
Rep. Earlene Roberts, Lovington  
Rep. Sheryl Williams Stapleton, Albuquerque  
Rep. J. Paul Taylor, Mesilla  
Sen. Leonard Tsosie, Crownpoint  
Rep. Richard D. Vigil, Ribera

**Legislative Finance Committee**

The statutory authority for membership of the legislative finance committee (LFC) appears in Section 2-5-1 NMSA 1978. As a permanent committee of the legislature, the LFC publishes its own biennial report of its activities.

Members of the LFC in 2001 were:

Rep. Luciano "Lucky" Varela, Santa Fe, chairman  
Sen. Ben D. Altamirano, Silver City, vice chairman

Sen. Sue Wilson Beffort, Albuquerque  
Sen. Pete Campos, Las Vegas  
Rep. Max Coll, Santa Fe  
Sen. Linda M. Lopez, Albuquerque  
Sen. Patrick H. Lyons, Cuervo  
Sen. Cisco McSorley, Albuquerque  
Rep. Joe Mohorovic, Albuquerque  
Sen. Leonard Lee Rawson, Las Cruces  
Rep. Henry Kiki Saavedra, Albuquerque  
Rep. Nick L. Salazar, San Juan Pueblo  
Sen. John Arthur Smith, Deming  
Rep. Sandra L. Townsend, Aztec  
Rep. Jeannette O. Wallace, Los Alamos  
Rep. Donald L. Whitaker, Eunice

Designees:

Sen. Joseph J. Carraro, Albuquerque  
Sen. Joseph A. Fidel, Grants  
Sen. Mary Jane M. Garcia, Doña Ana  
Rep. Roberto "Bobby" J. Gonzales, Taos  
Rep. John A. Heaton, Carlsbad  
Sen. Stuart Ingle, Portales  
Rep. Larry A. Larrañaga, Albuquerque  
Sen. Carroll H. Leavell, Jal  
Rep. Patricia A. Lundstrom, Gallup  
Sen. Roman M. Maes, III, Santa Fe  
Rep. Terry T. Marquardt, Alamogordo  
Sen. William H. Payne, Albuquerque  
Sen. Richard M. Romero, Albuquerque  
Rep. Edward C. Sandoval, Albuquerque  
Rep. J. Paul Taylor, Mesilla  
Rep. Thomas C. Taylor, Farmington  
Sen. Leonard Tsosie, Crownpoint

Members of the LFC in 2002 were:

Rep. Luciano "Lucky" Varela, Santa Fe, chairman  
Sen. Ben D. Altamirano, Silver City, vice chairman  
Sen. Sue Wilson Beffort, Albuquerque  
Sen. Pete Campos, Las Vegas  
Sen. Joseph J. Carraro, Albuquerque  
Rep. Max Coll, Santa Fe  
Rep. Larry A. Larrañaga, Albuquerque

Sen. Linda M. Lopez, Albuquerque  
Sen. Cisco McSorley, Albuquerque  
Sen. Leonard Lee Rawson, Las Cruces  
Rep. Henry Kiki Saavedra, Albuquerque  
Rep. Nick L. Salazar, San Juan Pueblo  
Sen. John Arthur Smith, Deming  
Rep. Sandra L. Townsend, Aztec  
Rep. Jeannette O. Wallace, Los Alamos  
Rep. Donald L. Whitaker, Eunice

Designees:

Sen. Joseph A. Fidel, Grants  
Sen. Mary Jane M. Garcia, Doña Ana  
Rep. Roberto "Bobby" J. Gonzales, Taos  
Rep. John A. Heaton, Carlsbad  
Sen. Stuart Ingle, Portales  
Sen. Carroll H. Leavell, Jal  
Rep. Patricia A. Lundstrom, Gallup  
Sen. Roman M. Maes, III, Santa Fe  
Rep. Terry T. Marquardt, Alamogordo  
Sen. William H. Payne, Albuquerque  
Sen. Richard M. Romero, Albuquerque  
Rep. Edward C. Sandoval, Albuquerque  
Rep. J. Paul Taylor, Mesilla  
Rep. Thomas C. Taylor, Farmington  
Sen. Leonard Tsosie, Crownpoint

**Corrections Oversight and Justice Committee (2001, 2002)**

The corrections oversight and justice committee was created by the legislative council in 2001. Its work plan for the 2001 interim, approved by the legislative council, called for the committee to:

(1) oversee implementation of the recommendations set forth in the January 14, 2000 document entitled "The Consultants' Report on Prison Operations in New Mexico Correctional Institutions";

(2) assess the feasibility of expanding community corrections programming as a means to reduce the inmate population;

- (3) conduct a review of issues regarding salaries and benefits provided to correctional officers;
- (4) determine the number of correctional officer positions vacant within the corrections department, on a facility-by-facility basis, and analyze the effect that those vacancies have on operations in those facilities;
- (5) monitor the corrections department's implementation of a new inmate classification instrument;
- (6) review model legislation or legislation enacted in other jurisdictions that sets forth requirements for contracts that provide for incarceration of state inmates in privately operated correctional facilities;
- (7) review issues regarding incarceration of female inmates, including the provision of reintegration services for female inmates;
- (8) monitor the activation of the close custody facility at PNM south;
- (9) review the strategic plan developed by the corrections department for fiscal year 2002;
- (10) monitor other issues related to the operation of public and private correctional facilities;
- (11) take testimony regarding criminal justice issues;
- (12) take testimony regarding fiscal issues related to adoptions and foster care services; and
- (13) recommend legislation or changes, if they are found to be necessary, to the legislature.

The corrections oversight and justice committee members in 2001 were:

Sen. Michael S. Sanchez, Belen, co-chairman  
Rep. W. Ken Martinez, Grants, co-chairman  
Sen. Ben D. Altamirano, Silver City  
Rep. Ron Godbey, Albuquerque  
Rep. Rhonda S. King, Stanley  
Sen. Carroll H. Leavell, Jal  
Rep. Thomas C. Taylor, Farmington

Advisory Members:

Rep. Gail C. Beam, Albuquerque  
Rep. Joseph Cervantes, Las Cruces  
Sen. Mary Jane M. Garcia, Doña Ana  
Sen. Timothy Z. Jennings, Roswell  
Sen. Don Kidd, Carlsbad  
Sen. Richard C. Martinez, Española  
Sen. Cisco McSorley, Albuquerque  
Rep. Al Park, Albuquerque  
Sen. Lidio G. Rainaldi, Gallup  
Sen. Shannon Robinson, Albuquerque  
Sen. Richard M. Romero, Albuquerque  
Sen. Bernadette M. Sanchez, Albuquerque  
Sen. H. Diane Snyder, Albuquerque  
Rep. Mimi Stewart, Albuquerque  
Rep. Joe Thompson, Albuquerque

In addition to continuing with its 2001 agenda, the committee, in 2002, proposed to take testimony regarding criminal justice issues, including a review of sentencing policy and recent United States supreme court decisions regarding capital felony sentencing.

The corrections oversight and justice committee members in 2002 were:

Rep. W. Ken Martinez, Grants, co-chairman  
Sen. Michael S. Sanchez, Belen, co-chairman  
Sen. Ben D. Altamirano, Silver City  
Rep. Ron Godbey, Cedar Crest  
Rep. Rhonda S. King, Stanley  
Sen. Carroll H. Leavell, Jal  
Sen. William H. Payne, Albuquerque  
Rep. Thomas C. Taylor, Farmington

Advisory Members:

Rep. Gail C. Beam, Albuquerque  
Rep. Joseph Cervantes, Las Cruces  
Sen. Mary Jane M. Garcia, Doña Ana  
Sen. Timothy Z. Jennings, Roswell  
Sen. Don Kidd, Carlsbad  
Sen. Richard C. Martinez, Española  
Sen. Cisco McSorley, Albuquerque  
Rep. Al Park, Albuquerque  
Sen. Lidio G. Rainaldi, Gallup  
Sen. Shannon Robinson, Albuquerque

Sen. Richard M. Romero, Albuquerque  
Sen. H. Diane Snyder, Albuquerque  
Rep. Mimi Stewart, Albuquerque  
Rep. Joe Thompson, Albuquerque

**Staff:** In 2001, Tony Ortiz, Melissa Pacheco and Annie Rodriguez staffed the committee. In 2002, the committee was staffed by Tony Ortiz and Elizabeth Holmes.

### **Economic and Rural Development and Telecommunications Committee (2001, 2002)**

The legislative council has appointed an interim committee to address economic development issues and opportunities each year for at least the last decade. The committee was originally charged with addressing defense conversion issues in the early 1990s when, after the fall of the Berlin wall and the collapse of the Soviet Union, there were expectations of large-scale department of defense budget reductions and base closures. The legislature was concerned that the presence of four military bases and three national laboratories in New Mexico might bode ill for the state if any significant budget reductions occurred. Those apprehensions proved to be exaggerated, and the "defense conversion" aspects of the committee's responsibilities were minimized and eventually eliminated.

The committee has, however, continued to be interested in the development of high technology enterprises as a direct benefit of having the federal presence in New Mexico. For example, the presence of White Sands missile range and the proposed development of a new generation of re-entry space vehicles led directly to the creation of the office for space commercialization in the economic development department (EDD) and the state's efforts to attract a spaceport. In recent years, telecommunications rather than space exploration has garnered more attention in the area of technology development.

During the late 1990s, many legislators from rural areas felt the rural parts of the state were being neglected and requested that the legislative council devote more attention to rural issues. The council responded by adding rural development to the economic development committee's scope.

In 2001, the committee proposed to address economic development opportunities that may exist through development of industry clusters, i.e. cluster-based economic development.

The idea behind cluster-based development is that businesses can grow more easily and rapidly if located near related enterprises, thus capitalizing on the availability of compatible intellectual and financial resources, management skills and infrastructure in "clusters" of related businesses.

The committee also proposed to review a number of persistent public policy issues, including:

- (1) in-plant training program appropriations, including rehabilitation of felons;
- (2) investment in infrastructure, including highways;
- (3) state tax credits for technology start-up companies;
- (4) factors attracting potential software development enterprises in rural New Mexico;
- (5) research and development tax deductions;
- (6) water availability and cost;
- (7) the status of the small business investment corporation;
- (8) marketing the state to businesses;
- (9) state agency cooperation and coordination for economic development;
- (10) telecommunications regulation and status of provision of services;
- (11) trade with Mexico and border development;
- (12) electric power supply and cost, and alternative energy sources;
- (13) secondary and post-secondary education; and
- (14) workforce development.

Members of the economic and rural development and telecommunications committee in 2001 were:

Sen. Roman M. Maes, III, Santa Fe, chairman  
Rep. Mary Helen Garcia, Las Cruces, vice chairwoman  
Rep. Rob Burpo, Albuquerque

Sen. Kent L. Cravens, Albuquerque  
Rep. Daniel R. Foley, Roswell  
Sen. Mary Jane M. Garcia, Doña Ana  
Sen. Phil A. Griego, San Jose  
Sen. Carroll H. Leavell, Jal  
Rep. Patricia A. Lundstrom, Gallup  
Sen. John Pinto, Tohatchi  
Rep. Pauline J. Ponce, Roswell  
Rep. Raymond M. Ruiz, Albuquerque  
Sen. William E. Sharer, Farmington  
Rep. Nick Tinnin, Farmington  
Rep. Richard D. Vigil, Ribera

Advisory Members:

Sen. Ben D. Altamirano, Silver City  
Rep. William W. Fuller, Albuquerque  
Rep. Dianne Miller Hamilton, Silver City  
Rep. John A. Heaton, Carlsbad  
Rep. Ted Hobbs, Albuquerque  
Sen. Stuart Ingle, Portales  
Sen. Timothy Z. Jennings, Roswell  
Sen. Patrick H. Lyons, Cuervo  
Sen. Cisco McSorley, Albuquerque  
Rep. Andy Nunez, Hatch  
Rep. Bengie Regensberg, Cleveland  
Rep. Debbie A. Rodella, San Juan Pueblo  
Rep. Nick L. Salazar, San Juan Pueblo  
Sen. Bernadette M. Sanchez, Albuquerque  
Sen. Leonard Tsosie, Crownpoint

In the 2002 interim, the committee proposed to hear from key speakers in New Mexico's economic development arena; study and review existing law in committee-related areas; and consider proposing legislation for the 2003 legislative session. New topics for consideration included:

(1) the organization and effectiveness of the PRC. The committee proposed to evaluate and review the organization, working methods and election system established for the PRC in existing legislation. In order to avoid duplicating the effort of the public regulation commission subcommittee of the legislative council, the committee will base its evaluation on

receiving a report from that subcommittee. A decision concerning new legislation and its sponsorship will be made during the report process;

(2) the expanded mission of Los Alamos national laboratory (LANL). One thousand positions are slated to be filled at LANL and 300 hires have been made so far. Additionally, a major subcontractor is being replaced. The committee proposes to meet for one day at Los Alamos to hear LANL officials report on the types of jobs that are going to be filled and the possible impact on the local economy. The committee will also be briefed on LANL's technology transfer efforts;

(3) tourism in New Mexico after 9/11. The committee will hear from the secretary of tourism on how the events of 9/11 affected the state's tourist industry and what revitalization efforts are under way; and

(4) the impact of rising costs of health insurance on small businesses in New Mexico.

The committee proposed asking for updates on recurring issues affecting economic development by requesting that key people report at committee hearings. Topics included:

(1) workforce development and in-plant training;

(2) business incubation areas in New Mexico;

(3) the current action plan of the EDD;

(4) marketing efforts by New Mexico to Mexico;

(5) the status of New Mexico's 271 filing for the federal communications commission; and

(6) the granting of rights of way by the state land office over federal and tribal lands for the purpose of erecting telephone lines.

Members of the economic and rural development and telecommunications committee in 2002 were:

Rep. Mary Helen Garcia, Las Cruces, chairwoman  
Sen. Roman M. Maes, III, Santa Fe, vice chairman  
Rep. Rob Burpo, Albuquerque  
Sen. Kent L. Cravens, Albuquerque

Rep. Daniel R. Foley, Roswell  
Sen. Mary Jane M. Garcia, Doña Ana  
Sen. Phil A. Griego, San Jose  
Sen. Carroll H. Leavell, Jal  
Rep. Patricia A. Lundstrom, Gallup  
Sen. John Pinto, Tohatchi  
Rep. Pauline J. Ponce, Roswell  
Rep. Raymond M. Ruiz, Albuquerque  
Sen. William E. Sharer, Farmington  
Rep. Nick Tinnin, Farmington  
Rep. Richard D. Vigil, Ribera

Advisory Members:

Sen. Ben D. Altamirano, Silver City  
Rep. William W. Fuller, Albuquerque  
Rep. Dianne Miller Hamilton, Silver City  
Rep. John A. Heaton, Carlsbad  
Rep. Ted Hobbs, Albuquerque  
Sen. Stuart Ingle, Portales  
Sen. Timothy Z. Jennings, Roswell  
Sen. Cisco McSorley, Albuquerque  
Rep. Andy Nunez, Hatch  
Rep. Bengie Regensberg, Cleveland  
Rep. Debbie A. Rodella, San Juan Pueblo  
Rep. Nick L. Salazar, San Juan Pueblo  
Sen. Leonard Tsosie, Crownpoint

**Staff:** In 2001, Gordon Meeks and Jeret Fleetwood served as committee staff. In 2002, the committee was staffed by Rachel Ray and Larry Matlock.

**Health and Human Services Committee, Legislative (2001, 2002)**

The legislative health and human services committee was made a permanent interim committee in 1989. As provided in Section 2-13-2 NMSA 1978, the purpose of the committee is to conduct a continuing study of the programs, agencies, policies, issues and needs relating to health and human services. For 2001, the committee proposed to:

(1) continue oversight of the general operations and strategic plans of the department of health (DOH), human services department (HSD), children, youth and families department (CYFD), state agency on aging; governor's committee on concerns of the

handicapped; health sciences center of the university of New Mexico; vocational rehabilitation division; and other public entities charged with providing health and human services;

(2) study and address substance abuse issues, including prevention, intervention and treatment of addictions and aftercare efforts;

(3) study and address long-term care issues for the burgeoning senior population in New Mexico;

(4) study prescription drug costs and assess ways to make prescription drugs available, especially to the poor;

(5) study and assess ways to expand health care access for those middle- and low-income persons who cannot afford health insurance, particularly through the statewide network of rural and urban primary health care clinics that serve all New Mexicans;

(6) study and assess ways to address the health personnel shortage, including nurses, physicians and allied health professionals;

(7) maintain communication with those interim committees having responsibilities and interest in health and social services issues to ensure minimal duplication of effort;

(8) continue to support expansion of medicaid waiver programs for broader basic health coverage for low-income persons, the developmentally disabled and the disabled and elderly, as well as support full implementation of the state child health insurance program, early childhood education programs, increases in state payments for child care and raising the eligibility threshold for medicaid eligibility; and

(9) continue to study the need for domestic violence programs, mental health concerns, the teen pregnancy rate, health maintenance organization delivery systems, improvements in primary care delivery and telemedicine, trauma and emergency care and school-based health care.

The legislative health and human services committee members for 2001 were:

Rep. Patsy Trujillo Knauer, Santa Fe, chairwoman  
Sen. Dede Feldman, Albuquerque, vice chairwoman  
Sen. Rod Adair, Roswell  
Rep. Marsha C. Atkin, Rio Rancho  
Sen. Allen V. Hurt, Waterflow  
Sen. Mary Kay Papen, Las Cruces  
Rep. J. Paul Taylor, Mesilla  
Rep. Gloria C. Vaughn, Alamogordo

Advisory Members:

Sen. Shirley M. Bailey, Hobbs  
Rep. Gail C. Beam, Albuquerque  
Sen. Sue Wilson Beffort, Albuquerque  
Rep. Ray Begaye, Shiprock  
Rep. Kandy Cordova, Belen  
Rep. Ron Godbey, Albuquerque  
Rep. John A. Heaton, Carlsbad  
Sen. Linda M. Lopez, Albuquerque  
Sen. Cisco McSorley, Albuquerque  
Rep. Danice Picraux, Albuquerque  
Rep. Judy Vanderstar Russell, Rio Rancho  
Sen. Bernadette M. Sanchez, Albuquerque  
Rep. Sheryl Williams Stapleton, Albuquerque

For the 2002 interim, the committee agreed to address the following priorities in hearings:

- (1) substance abuse and alcoholism, treatment and prevention;
- (2) prescription drug issues, including the cost to consumers and the cost to taxpayers;
- (3) long-term care, including the elderly, disabled, brain injured and developmentally disabled;
- (4) health professional recruiting and retention, public and private;
- (5) mental health and mental illness for adults, adolescents and children;
- (6) medicaid general efficiency and provider reimbursement efficiency;
- (7) teen suicide prevention;
- (8) women's health issues; and
- (9) age of consent for blood donors.

In addition, the committee expected reports resulting from the following joint memorials in the following subject areas:

- Prescription Drugs:

House Joint Memorial 22 (2001) from the New Mexico health policy commission on prescription drug costs;

House Joint Memorial 41 (2002) on tax credits to offset prescription drug costs;

House Joint Memorial 50 (2002) on reuse of unit-packaged drugs;

Senate Joint Memorial 23 (2002) "brown bag assessment" program by pharmacists of seniors' drug regimens with a discussion of generic substitutes and therapeutic alternatives; and

Senate Joint Memorial 35 (2002) regarding maximizing the use of federal 340B programs to reduce drug costs.

- Long-term Care:

House Joint Memorial 83 (2002) on a plan for compliance with the *Olmstead* decision (United States supreme court case regarding the Americans with Disabilities Act of 1990);

House Joint Memorial 90 (2002) on nursing home "acuity-based" staffing levels; and

Senate Joint Memorial 54 (2002) on a task force study for a statewide plan for the *Olmstead* decision.

- Health Care Professionals:

House Joint Memorial 61 (2002) on a study of multiple requirements for licensing and credentialing health care providers and facilities.

- Children and Families:

House Joint Memorial 37 (2002) to study market rate reimbursement for child care;

House Joint Memorial 51 (2002) to study the costs and benefits of paid family and medical leave; and

House Joint Memorial 34 (2002) and Senate Joint Memorial 62 (2002) to study emergency preparedness.

In 2002, the committee members were:

Rep. Patsy Trujillo Knauer, Santa Fe, chairwoman  
Sen. Dede Feldman, Albuquerque, vice chairwoman  
Sen. Rod Adair, Roswell

Rep. Marsha C. Atkin, Rio Rancho  
Sen. Allen V. Hurt, Waterflow  
Sen. Mary Kay Papen, Las Cruces  
Rep. J. Paul Taylor, Mesilla  
Rep. Gloria C. Vaughn, Alamogordo

Advisory Members:

Rep. Gail C. Beam, Albuquerque  
Sen. Sue Wilson Beffort, Albuquerque  
Rep. Ray Begaye, Shiprock  
Rep. Kandy Cordova, Belen  
Rep. Ron Godbey, Cedar Crest  
Rep. John A. Heaton, Carlsbad  
Sen. Linda M. Lopez, Albuquerque  
Sen. Cisco McSorley, Albuquerque  
Rep. Danice Picraux, Albuquerque  
Rep. Judy Vanderstar Russell, Rio Rancho  
Rep. Sheryl Williams Stapleton, Albuquerque

**Staff:** In 2001, Phil Lynch, Raul Burciaga and Karen Wells staffed the committee. In 2002, the same staff served the committee, joined by Larry Matlock.

**Health Subcommittee, Legislative (2001)**

The legislative health subcommittee was created by the legislative council on May 2, 2001 pursuant to Senate Joint Memorial 50, forty-fourth legislature, second session. During the interim, the subcommittee proposed to act according to the following work plan:

(1) work with the state coverage initiatives (SCI - Robert Wood Johnson grant) steering committee and staff to develop coverage solutions for uninsured adults in New Mexico, including:

(a) working with the various components of the health care industry: institutional and individual providers or their representatives; consumer advocacy groups; insurers and payers; and government departments and agencies;

(b) reviewing and providing recommendations on the information obtained by the SCI group from regional meetings with interested parties; and

(c) developing legislative proposals to implement solutions;

(2) work with state departments and agencies to identify common ground in areas affecting coverage expansion and health care improvement, including addressing the following issues:

(a) private-public programs to improve coverage, e.g., employer buy-in medicaid expansion;

(b) uninsured children;

(c) Title 21, state children's health insurance program;

(d) services for the developmentally disabled;

(e) expansion of primary care services and facilities;

(f) individual health plans available at group discount rates;

(g) prescription drug costs;

(h) community, rural and border health issues;

(i) review/implementation of successful initiatives in other states;

(j) consolidated purchasing; and

(k) reorganization;

(3) coordinate with other legislative interim committees to avoid unnecessary duplication of research, testimony and resources, including:

(a) the legislative health and human services committee; and

(b) the LFC and its respective subcommittees;

(4) identify and review the government and private sector information systems that collect health care data, including:

(a) providing recommendations for improvement of collection, reporting and evaluation of information; and

(b) reviewing the impacts of the proposed Health Insurance Portability and Accountability Act of 1996 regulations on public and private entities;

(5) review and consider recommendations on mental and behavioral health care, including:

(a) status of the Salud! program;

(b) treatment of alcohol and substance abuse issues; and

(c) the financial impact on New Mexico of the placement of programs pursuant to alternative legislative initiatives;

(6) review and consider recommendations on long-term care, including:

(a) coordinating with other interested legislative interim committees;

(b) considering the impact of the *Olmstead* decision (United States supreme court case regarding the Americans with Disabilities Act of 1990); and

(c) reviewing the financial impact on New Mexico of the placement of programs pursuant to alternative legislative initiatives; and

(7) examine the viability of managed care in public and private settings in light of the state health policy to ensure accessible, available, affordable and culturally appropriate basic health care services for all New Mexicans, regardless of financial status, including:

(a) health maintenance organizations, preferred provider organizations and other managed care organizations;

(b) medicaid managed care - Salud!; and

(c) health care financing, access and delivery.

The subcommittee members were:

Sen. Linda M. Lopez, Albuquerque, chairwoman

Rep. J. Paul Taylor, Mesilla, vice chairman

Sen. Manny M. Aragon, Albuquerque

Sen. Sue Wilson Beffort, Albuquerque

Sen. Joseph J. Carraro, Albuquerque

Sen. Dede Feldman, Albuquerque

Rep. Ron Godbey, Albuquerque

Sen. Allen V. Hurt, Waterflow

Rep. Patsy Trujillo Knauer, Santa Fe

Rep. Terry T. Marquardt, Alamogordo

Sen. Shannon Robinson, Albuquerque

Rep. Nick L. Salazar, San Juan Pueblo  
Rep. Edward C. Sandoval, Albuquerque  
Sen. John Arthur Smith, Deming

Advisory Members:

Sen. Kent L. Cravens, Albuquerque  
Rep. John A. Heaton, Carlsbad  
Sen. Steve Komadina, Corrales  
Rep. Danice Picraux, Albuquerque  
Sen. John Pinto, Tohatchi  
Rep. Gloria C. Vaughn, Alamogordo

**Staff:** Raul Burciaga, Phil Lynch and Kathleen Dexter staffed the committee. Dr. Kathy Ganz, Dr. Bill Weise and Bruce Weydemeyer served as consultants.

**Indian Affairs Committee (2001, 2002)**

The Indian affairs committee was created by the legislative council on May 2, 2001. The committee has existed since 1989 as a result of post-session legislative council action each year.

The Indian affairs committee proposed to work toward the following goals in the 2001 interim:

(1) provide a direct interface between the legislature and tribal governments and officials in New Mexico;

(2) identify issues of concern to Indian people and tribal communities and provide information to legislators regarding those issues;

(3) provide legislators with first-hand information regarding the status of Indian communities in New Mexico;

(4) provide the people living in tribal communities with an understanding of and access to state government;

(5) identify and work to resolve areas of state-tribal misunderstanding, conflict and dispute; and

(6) identify areas where state government can be made more responsive to the needs of tribal communities in New Mexico.

Additionally, the Indian affairs committee proposed to explore and discuss the following topics during the 2001 interim:

- (1) state and county programs providing services to tribal communities;
- (2) public and bureau of Indian affairs (BIA) school programs to improve the success of Native American students in public and post-secondary schools;
- (3) law enforcement, corrections and detention center programs for Native Americans and cooperation between the tribes and state agencies;
- (4) strategic plans of state agencies appearing before the committee as they apply to issues affecting Native Americans;
- (5) tribal and state services to the elderly, health care services and environmental concerns in tribal communities;
- (6) voter participation efforts in Native American communities;
- (7) housing programs on tribal land; and
- (8) state policy on taxation of transactions on tribal lands.

The Indian affairs committee members for 2001 were:

Sen. John Pinto, Tohatchi, co-chairman  
Rep. James Roger Madalena, Jemez Pueblo, co-chairman  
Sen. Rod Adair, Roswell  
Rep. Ray Begaye, Shiprock  
Sen. Lidio G. Rainaldi, Gallup  
Sen. Nancy Rodriguez, Santa Fe  
Rep. Judy Vanderstar Russell, Rio Rancho  
Sen. William E. Sharer, Farmington  
Rep. Don Tripp, Socorro  
Sen. Leonard Tsosie, Crownpoint  
Rep. Leo C. Watchman, Jr., Navajo

Advisory Members:

Rep. Ben Lujan, Santa Fe  
Rep. Fred Luna, Los Lunas  
Sen. Richard C. Martinez, Española  
Rep. Earlene Roberts, Lovington  
Rep. Debbie A. Rodella, San Juan Pueblo  
Sen. Richard M. Romero, Albuquerque  
Rep. Nick L. Salazar, San Juan Pueblo  
Rep. W.C. "Dub" Williams, Glencoe

For the 2002 interim, in addition to continuing its agenda from the previous year, the Indian affairs committee planned to discuss the following topics:

- (1) state and county programs providing services to tribal communities;
- (2) public and BIA school programs to improve the success of Native American students in public and post-secondary schools;
- (3) cultural sensitivity of law enforcement, corrections and detention center programs;
- (4) cooperation between the tribes and state agencies;
- (5) strategic plans of state agencies appearing before the committee as they apply to issues affecting Native American people;
- (6) tribal and state services to the elderly, health care services and environmental concerns in tribal communities;
- (7) voter participation efforts in tribal communities;
- (8) housing programs on tribal land;
- (9) state policy on taxation of transactions on tribal lands;
- (10) energy development plans for various tribes in the state; and
- (11) water issues affecting tribal communities.

The Indian affairs committee members in 2002 were:

Rep. James Roger Madalena, Jemez Pueblo, co-chairman  
Sen. John Pinto, Tohatchi, co-chairman  
Sen. Rod Adair, Roswell  
Rep. Ray Begaye, Shiprock  
Sen. Lidio G. Rainaldi, Gallup  
Sen. Nancy Rodriguez, Santa Fe  
Rep. Judy Vanderstar Russell, Rio Rancho  
Sen. William E. Sharer, Farmington  
Rep. Don Tripp, Socorro  
Sen. Leonard Tsosie, Crownpoint  
Rep. Leo C. Watchman, Jr., Navajo

Advisory Members:

Rep. Ben Lujan, Santa Fe  
Rep. Fred Luna, Los Lunas  
Rep. Patricia A. Lundstrom, Gallup  
Sen. Richard C. Martinez, Española  
Rep. Earlene Roberts, Lovington  
Rep. Debbie A. Rodella, San Juan Pueblo  
Sen. Richard M. Romero, Albuquerque  
Rep. Nick L. Salazar, San Juan Pueblo  
Rep. W.C. "Dub" Williams, Glencoe

**Staff:** In 2001, Pam Ray continued as long-time staff of the committee and was assisted by Kathleen Dexter. In 2002, Ross Peters, Pam Ray and Pamela Jensen staffed the committee.

### **Information Technology Oversight Committee (2001, 2002)**

For the 2001 and 2002 interims, the information technology oversight committee's work plan proposed to:

(1) monitor the work of the information technology commission and the information technology management office, including reviewing the commission's rules setting out the policies, standards, procedures and guidelines for information architecture and development projects and the annual update of the state strategic plan;

(2) oversee the implementation of the Information Technology Management Act, review the work of the judicial information systems council and division and oversee any other state-funded systems;

(3) meet on a regular basis to receive and evaluate periodic reports from the information technology commission and information technology management office;

(4) perform such other related duties as assigned by the legislative council;

(5) receive briefings on internet issues and telecommunications issues for the purpose of educating committee members;

(6) take testimony regarding measures that are being considered for the purpose of retaining information technology professionals in state government;

(7) take testimony regarding the amount of money paid by the state of New Mexico for information technology services that are provided by private vendors; and

(8) take testimony regarding information technology innovations currently employed in public education.

Members of the 2001 information technology oversight committee were:

Rep. Debbie A. Rodella, San Juan Pueblo, chairwoman  
Sen. Phil A. Griego, San Jose, vice chairman  
Rep. William "Ed" Boykin, Las Cruces  
Sen. Kent L. Cravens, Albuquerque  
Rep. Larry A. Larrañaga, Albuquerque  
Sen. Linda M. Lopez, Albuquerque  
Sen. William H. Payne, Albuquerque  
Rep. Luciano "Lucky" Varela, Santa Fe

Advisory Members:

Sen. Rod Adair, Roswell  
Rep. Ted Hobbs, Albuquerque  
Sen. Timothy Z. Jennings, Roswell  
Rep. W. Ken Martinez, Grants  
Sen. Leonard Lee Rawson, Las Cruces  
Sen. Richard M. Romero, Albuquerque  
Rep. Jeannette O. Wallace, Los Alamos

The 2002 information technology oversight committee members were:

Sen. Phil A. Griego, San Jose, chairman  
Rep. Debbie A. Rodella, San Juan Pueblo, vice chairwoman  
Rep. William "Ed" Boykin, Las Cruces  
Sen. Kent L. Cravens, Albuquerque  
Rep. Larry A. Larrañaga, Albuquerque  
Sen. Linda M. Lopez, Albuquerque  
Sen. William H. Payne, Albuquerque  
Rep. Luciano "Lucky" Varela, Santa Fe

Advisory Members:

Sen. Rod Adair, Roswell  
Rep. Ted Hobbs, Albuquerque  
Sen. Timothy Z. Jennings, Roswell  
Rep. W. Ken Martinez, Grants  
Sen. Leonard Lee Rawson, Las Cruces  
Sen. Richard M. Romero, Albuquerque  
Rep. Jeannette O. Wallace, Los Alamos

**Staff:** In 2001, committee staff were Tony Ortiz, Loretta Barela and Ralph Vincent. In 2002, committee staff were Tony Ortiz, Ross Peters, Jeret Fleetwood and Ralph Vincent.

### **Judicial System Study Committee (2001, 2002)**

The legislative council created the judicial system study committee in 2001 in response to Senate Rules Committee Substitute for Senate Bill 856 (vetoed) and continued the committee for 2002 at the request of the legislature in Senate Joint Memorial 1, which was passed in the 2002 session.

During the 2001 interim, the committee used its limited time to gather basic information about the state of the judiciary, knowing that further investigation would be needed before it could recommend major systemic changes. In 2002, the committee proposed to focus on several structural concerns in the district and magistrate courts and techniques and initiatives, such as video arraignment in the magistrate courts, that may save time or streamline caseload. Topics proposed to be covered included:

- (1) the need for state water courts and proposals for their organization and jurisdiction;
- (2) the costs and benefits of drug courts and the cost of expanding current programs and initiating new programs;
- (3) the efficient and effective allocation of state resources to magistrate courts, including judges;
- (4) the question of whether probation and parole should be judicial or executive functions;
- (5) the judicial unified budget and facilities improvements and costs for district and magistrate courts;
- (6) citation/warrant enforcement in metropolitan court; and
- (7) reconsideration of legislative proposals that did not pass during the 2002 session.

In addition, the committee proposed to consider other topics from 2001 and other matters that come before it that affect the administration of justice in New Mexico.

The judicial system study committee members in 2001 were:

Sen. Manny M. Aragon, Albuquerque, chairman  
Rep. Max Coll, Santa Fe, vice chairman

Rep. Gail C. Beam, Albuquerque  
Rep. Ron Godbey, Albuquerque  
Sen. William H. Payne, Albuquerque  
Sen. Lidio G. Rainaldi, Gallup  
Rep. Benjamin B. Rios, Las Cruces  
Sen. Michael S. Sanchez, Belen  
Sen. H. Diane Snyder, Albuquerque  
Rep. Joe Thompson, Albuquerque

Advisory Members:

Sen. Steve Komadina, Corrales  
Rep. Fred Luna, Los Lunas  
Sen. Richard C. Martinez, Española  
Rep. W. Ken Martinez, Grants  
Sen. Cisco McSorley, Albuquerque  
Rep. John A. Sanchez, Albuquerque

In 2002, the committee members were:

Sen. Manny M. Aragon, Albuquerque, chairman  
Rep. Max Coll, Santa Fe, vice chairman  
Rep. Gail C. Beam, Albuquerque  
Rep. Ron Godbey, Cedar Crest  
Sen. William H. Payne, Albuquerque  
Sen. Lidio G. Rainaldi, Gallup  
Rep. Benjamin B. Rios, Las Cruces  
Sen. Michael S. Sanchez, Belen  
Sen. H. Diane Snyder, Albuquerque  
Rep. Joe Thompson, Albuquerque

Advisory Members:

Rep. Fred Luna, Los Lunas  
Sen. Richard C. Martinez, Espanola  
Rep. W. Ken Martinez, Grants  
Sen. Cisco McSorley, Albuquerque

**Staff:** Jonelle Maison and Cenissa Martinez staffed the committee in 2001. Jonelle Maison and Elizabeth Holmes staffed the committee in 2002.

### **Legislative Committee on Compacts (2001, 2002)**

The legislative committee on compacts was created by Laws 1999, Chapter 252. The committee's mandate is to review proposed new Indian gaming compacts or proposed

amendments to existing Indian gaming compacts, request modifications to proposed compacts or amendments and make recommendations to the legislature. In 2001, the committee reviewed a tribal-state class 3 gaming compact and prepared a resolution to be considered by the legislature. The legislature adopted the compact during the 2001 session. No compacts were considered in 2002.

Members of the legislative committee on compacts in 2001 were:

Sen. Carlos R. Cisneros, Questa, chairman  
Rep. Fred Luna, Los Lunas, vice chairman  
Rep. Max Coll, Santa Fe  
Sen. Kent L. Cravens, Albuquerque  
Rep. Pauline K. Gubbels, Albuquerque  
Sen. Stuart Ingle, Portales  
Sen. Don Kidd, Carlsbad  
Rep. Larry A. Larrañaga, Albuquerque  
Rep. James Roger Madalena, Jemez Pueblo  
Rep. Brian K. Moore, Clayton  
Sen. Michael S. Sanchez, Belen  
Rep. Daniel P. Silva, Albuquerque  
Sen. John Arthur Smith, Deming  
Sen. H. Diane Snyder, Albuquerque  
Rep. Joe Thompson, Albuquerque  
Sen. Leonard Tsosie, Crownpoint

Advisory Members:

Sen. Rod Adair, Roswell  
Sen. Ben D. Altamirano, Silver City  
Sen. Sue Wilson Beffort, Albuquerque  
Sen. Joseph A. Fidel, Grants  
Sen. Mary Jane M. Garcia, Doña Ana  
Sen. Nancy Rodriguez, Santa Fe

Members of the legislative committee on compacts in 2002 were:

Rep. Fred Luna, Los Lunas, chairman  
Sen. Carlos R. Cisneros, Questa, vice chairman  
Rep. Max Coll, Santa Fe  
Sen. Kent L. Cravens, Albuquerque  
Sen. Stuart Ingle, Portales  
Sen. Don Kidd, Carlsbad  
Rep. Larry A. Larrañaga, Albuquerque  
Rep. James Roger Madalena, Jemez Pueblo

Rep. Brian K. Moore, Clayton  
Sen. Michael S. Sanchez, Belen  
Rep. Daniel P. Silva, Albuquerque  
Sen. John Arthur Smith, Deming  
Sen. H. Diane Snyder, Albuquerque  
Rep. Joe Thompson, Albuquerque  
Sen. Leonard Tsosie, Crownpoint

Advisory Members:

Sen. Rod Adair, Roswell  
Sen. Ben D. Altamirano, Silver City  
Sen. Sue Wilson Beffort, Albuquerque  
Sen. Joseph A. Fidel, Grants  
Sen. Mary Jane M. Garcia, Doña Ana  
Sen. Nancy Rodriguez, Santa Fe

**Staff:** Pam Ray, John Yaeger and Janet Peacock staffed the committee in 2001 and 2002.

**Los Alamos National Laboratory Oversight Committee (2002)**

The Los Alamos National Laboratory oversight committee was created by the legislative council in 2002. The committee proposes to review the activities, operation and management of LANL, to take testimony from a citizens advisory group on issues relating to the laboratory and report its findings to the California senate committee overseeing the laboratory and to the New Mexico legislature. The committee proposes to focus specifically on the hiring, job training, continuing education and promotion experience at the laboratory, and on any changes that could be made at the laboratory and in New Mexico's public school and higher educational systems to support New Mexicans in their efforts to pursue successful careers at the laboratory.

The committee members were:

Rep. Roberto "Bobby" J. Gonzales, Taos, chairman  
Sen. Phil A. Griego, San Jose, vice chairman  
Sen. Manny M. Aragon, Albuquerque  
Sen. William H. Payne, Albuquerque  
Rep. Debbie A. Rodella, San Juan Pueblo  
Rep. Nick L. Salazar, San Juan Pueblo  
Rep. Jeannette O. Wallace, Los Alamos

Advisory members:

Rep. George D. Buffett, Albuquerque  
Rep. Ben Lujan, Santa Fe

Sen. Richard C. Martinez, Española  
Sen. Richard M. Romero, Albuquerque

Citizen's Advisory Group:

Lydia Clark, Santa Fe  
Joe Guillen, Taos  
Dr. Sigfredo Maestas, Española  
Arlene Martinez, Taos  
Loyda Martinez, Santa Cruz  
Charles Montano, Santa Fe  
Lillian Montoya-Rael, Santa Fe  
Patricia Rogers, Los Alamos  
Sharon Stover, Los Alamos  
J. Patrick Trujillo, Española

**Staff:** John Yaeger and Jeret Fleetwood staffed the committee.

### **Medicaid Reform Committee**

The medicaid reform committee was created by Senate Bill 379 (Chapter 96), forty-fifth legislature, second session, 2002. The committee proposed to address the reform of the medicaid program as stated in Chapter 96: The "medicaid reform committee shall take into consideration current resources and projected needs for the state medicaid program's services, delivery, funding and policy". As set out in Laws 2002, Chapter 96, the committee plans to review:

"(1) the current operating structure of the medicaid programs in New Mexico;"

- eligibility categories and associated services
- state children's health insurance program, Salud!, fee-for-service, waiver programs

"(2) the level of oversight authority necessary for the medicaid-related divisions of HSD and health care payer and provider contractors under the medicaid program;"

- coordination between the income support division and medical assistance division of HSD
- performance standards and reports required by HSD from all contractors involved in the administration of the medicaid programs
- reporting requirements with the centers for medicare and medicaid services (CMS formerly the health care financing administration)

"(3) the operational structure of the state medicaid program, with respect to how policy and fiscal determinations are made;"

- coordination between HSD and DOH, CYFD, the attorney general's medicaid fraud unit, the department of finance and administration (DFA), the LFC, the New Mexico health policy commission, the border health office and other agencies
- HSD oversight of its medicaid contracts with respect to policy and fiscal issues

"(4) the concerns and recommendations regarding the operation of the medicaid program made by other interim legislative committees, consumer advocates, health care providers, health care payers or their respective organizations;"

- HSD responses or corrective action plans to CMS' concerns regarding mental and behavioral health, LFC's concerns regarding administrative costs, grievance and appeal issues, health care resource shortages and Indian health service reimbursement methodology

"(5) the allocation of health care costs and funding sources to avoid or eliminate unnecessary cost-shifting;"

- HSD examination of cost reports and contractor budgets and costs
- appropriateness of cost-shifting

"(6) the geographic distribution of health care professionals, resources and programs in the state medicaid program and of public-private partnerships to address health care access, delivery and funding issues that are problematic for both employers and employees; and"

- providers
- Native American managed care organization or other initiatives
- alternative coverage mechanisms
- rural health care
- border health care

"(7) the available federal, state and local sources of funding for the state medicaid program".

The members of the medicaid reform committee were:

Sen. Dede Feldman, Albuquerque, co-chairwoman  
Rep. James Roger Madalena, Jemez Pueblo, co-chairman  
Sen. Ramsay L. Gorham, Albuquerque  
Rep. John A. Heaton, Carlsbad  
Sen. Allen V. Hurt, Waterflow  
Sen. Stuart Ingle, Portales  
Sen. Timothy Z. Jennings, Roswell  
Sen. Linda M. Lopez, Albuquerque  
Rep. Terry T. Marquardt, Alamogordo  
Rep. Danice Picraux, Albuquerque  
Rep. J. Paul Taylor, Mesilla  
Rep. Jeannette O. Wallace, Los Alamos

The medicaid advisory group included:

Steve Beffort, secretary of general services, Albuquerque  
Arlene Brown, MD, Ruidoso  
Maralyn Budke, Santa Fe  
Jaime Estremera-Fitzgerald, Santa Fe  
Harold Field, secretary of finance and administration, Santa Fe  
Martin Hickey, MD, Albuquerque  
Jim Hinton, Albuquerque  
Nancy Koenigsberg, Albuquerque  
Ron Lujan, MD, Albuquerque  
Chet Lytle, Albuquerque  
Larry Martinez, Santa Fe  
Michael G. Miller, Portales  
Kay Monaco, Albuquerque  
Samuel Montoya, Santa Fe  
Robin Dozier Otten, secretary of human services, Albuquerque/Santa Fe  
Daniel D. Sandoval, Albuquerque  
Don Silva, Albuquerque  
Alfredo Vigil, MD, Española

**Staff:** Raul Burciaga, Phil Lynch, Karen Wells, Lisa Cacari-Stone and Kathleen Dexter staffed the committee.

### **Mortgage Finance Authority Act Oversight Committee (2001, 2002)**

The Mortgage Finance Authority (MFA) Act oversight committee was created pursuant to the provisions of Section 58-18-5 NMSA 1978. Subsection W of that section provides:

subject to any agreement with bondholders and noteholders, to make, alter or repeal, subject to prior approval by the Mortgage Finance Authority Act oversight committee, hereby created, to be composed of four members appointed by the president pro tempore

of the senate and four members appointed by the speaker of the house of representatives, such rules and regulations with respect to its operations, properties and facilities as are necessary to carry out its functions and duties in the administration of the Mortgage Finance Authority Act...

Pursuant to the provisions of Section 2-12-5 NMSA 1978, the committee is further authorized and directed to:

- A. determine and monitor the actual distribution of funds derived by the authority from bond issues and other activities of the authority under the provisions of the Mortgage Finance Authority Act, both on a geographical basis and on the basis of the actual distribution to participants in its programs;
- B. monitor the authority in its control of the issuance of mortgage commitments;
- C. meet on a regular basis to receive and evaluate periodic reports from the authority as to its enforcement of the provisions of the Mortgage Finance Authority Act and the regulations adopted pursuant thereto; and
- D. require the authority to document the need to the oversight committee regarding the issuance of any bonds.

In addition to carrying out its statutory responsibilities, the committee proposed to undertake the following during the 2001 interim:

- (1) request the development by the MFA of a program of loan assistance for owners of manufactured housing, including analyses of the requirement for permanent foundations for mobile homes and inclusion in the property tax base;
- (2) request a report by the MFA of the cost-benefit factors involved in the weatherization program;
- (3) gather information on assisted living housing and its eligibility for MFA program assistance, particularly in the housing rehabilitation program;
- (4) provide active support for and education of the public on the proposed constitutional amendment for affordable housing assistance; and
- (5) monitor land title trust fund activity.

The Mortgage Finance Authority Act oversight committee members in 2001 were:

Sen. Nancy Rodriguez, Santa Fe, chairwoman  
Rep. Fred Luna, Los Lunas, vice chairman  
Sen. Manny M. Aragon, Albuquerque  
Sen. Patrick H. Lyons, Cuervo  
Sen. Leonard Lee Rawson, Las Cruces  
Rep. Judy Vanderstar Russell, Rio Rancho  
Rep. John A. Sanchez, Albuquerque  
Rep. Mario Urioste, Clovis

Advisory Members:

Sen. Mark Boitano, Albuquerque  
Sen. Kent L. Cravens, Albuquerque  
Sen. Phil A. Griego, San Jose  
Sen. Richard M. Romero, Albuquerque  
Rep. Raymond M. Ruiz, Albuquerque  
Rep. Daniel P. Silva, Albuquerque

For the 2002 interim, the Mortgage Finance Authority Act oversight committee proposed to:

- (1) gather information on the need for and availability of assisted living housing for persons with physical disabilities and its eligibility for MFA program assistance;
- (2) enlist the active support of members of the legislature on the proposed constitutional amendment for affordable housing assistance;
- (3) develop, distribute and support draft legislation for implementation of the proposed constitutional amendment contingent upon its adoption;
- (4) study the feasibility of seeking capital outlay appropriations to the DFA for use through the MFA to increase existing housing programs; and
- (5) monitor the state housing trust fund feasibility study being conducted by the MFA pursuant to Senate Joint Memorial 15 of the 2002 legislative session.

The Mortgage Finance Authority Act oversight committee members in 2002 were:

Rep. Fred Luna, Los Lunas, chairman  
Sen. Nancy Rodriguez, Santa Fe, vice chairwoman  
Sen. Manny M. Aragon, Albuquerque  
Sen. Leonard Lee Rawson, Las Cruces  
Rep. Judy Vanderstar Russell, Rio Rancho  
Rep. Nick Tinnin, Farmington

Rep. Mario Urioste, Clovis

Advisory Members:

Sen. Mark Boitano, Albuquerque  
Sen. Kent L. Cravens, Albuquerque  
Sen. Phil A. Griego, San Jose  
Sen. Richard M. Romero, Albuquerque  
Rep. Raymond M. Ruiz, Albuquerque  
Rep. Daniel P. Silva, Albuquerque

**Staff:** In 2001, John Jasper staffed the committee and in 2002, John Jasper and Rachel Ray served as staff.

**New Mexico Finance Authority Oversight Committee (2001, 2002)**

The New Mexico Finance Authority (NMFA) oversight committee has existed since 1992 to oversee the activities of the NMFA. Over the years, the committee has heard extensive testimony on both specific and general capital needs of local governments. In the recent past, the committee has spent time hearing from local governments on their capital improvement priority process as well as particular needs of local governments. For the 2001 interim, the committee proposed to:

- (1) continue its NMFA oversight role, including the oversight of water and wastewater project grant fund projects funded in House Bill 160 of the 2001 session;
- (2) study ways to ensure that local governments and other eligible entities have access to the technical assistance they need for planning, financing and executing capital improvements, including consideration of councils of government as technical assistance resources;
- (3) consider procurement strategies that will enable local governments and eligible entities to maximize capital outlay funds, including cooperative purchasing and standardization of equipment and construction materials;
- (4) study state and municipal league initiatives that promise benefits for local government capital purchases and consider statutory changes that may be necessary to implement these initiatives;
- (5) assess local governments' efforts to coordinate capital projects that affect each other, e.g., the coordination of road, water and other projects that may need to use the same highway easements;

(6) conduct meetings for three days at the border to investigate ways to invigorate New Mexico's participation in the border economy and its trade partnerships with Mexico, including considering border-related statutory changes that may be necessary to embolden New Mexico-Mexico trade and bills sponsored by the committee in earlier sessions that have not passed or been signed; and

(7) work more closely with the New Mexico congressional delegation to ensure adequate funding for New Mexico ports of entry expansion and area highway improvements, as well as to ensure that New Mexico is receiving all federal funding for border initiatives and impact aid for which it is eligible.

The New Mexico finance authority oversight committee members in 2001 were:

Sen. Pete Campos, Las Vegas, chairman  
Rep. Daniel P. Silva, Albuquerque, vice chairman  
Sen. Manny M. Aragon, Albuquerque  
Rep. Anna M. Crook, Clovis  
Sen. Dianna J. Duran, Tularosa  
Rep. Dona G. Irwin, Deming  
Sen. Don Kidd, Carlsbad  
Sen. Carroll H. Leavell, Jal  
Rep. Brian K. Moore, Clayton  
Sen. Mary Kay Papen, Las Cruces  
Sen. Shannon Robinson, Albuquerque  
Sen. Nancy Rodriguez, Santa Fe  
Rep. Raymond M. Ruiz, Albuquerque  
Rep. Henry Kiki Saavedra, Albuquerque  
Rep. Sheryl Williams Stapleton, Albuquerque  
Rep. Don Tripp, Socorro

Advisory Members:

Sen. Shirley M. Bailey, Hobbs  
Rep. Donald E. Bratton, Hobbs  
Rep. Rob Burpo, Albuquerque  
Sen. Joseph A. Fidel, Grants  
Sen. Mary Jane M. Garcia, Doña Ana  
Rep. Ben Lujan, Santa Fe  
Rep. Joe Mohorovic, Albuquerque  
Sen. William H. Payne, Albuquerque  
Rep. Earlene Roberts, Lovington  
Sen. Richard M. Romero, Albuquerque  
Sen. H. Diane Snyder, Albuquerque  
Rep. James G. Taylor, Albuquerque  
Rep. Luciano "Lucky" Varela, Santa Fe

Rep. Jeannette O. Wallace, Los Alamos

In carrying out its statutory duties for the 2002 interim, and in conjunction with its monitoring and oversight function, the committee will focus on the following as they relate to the work of the NMFA and the border authority:

(1) recent developments along the border with Mexico, including the decline in traffic along the Santa Teresa port of entry, transportation issues and concerns of the Chihuahua government;

(2) prioritizing and financing of water and wastewater projects, including federal, state and local resources;

(3) availability of permanent revenue streams to fund local water and wastewater projects;

(4) reviewing the discrepancy between the local government infrastructure capital improvement plans and funded projects; and

(5) reviewing the effect of NMFA and border authority legislation from the past several sessions.

The New Mexico finance authority oversight committee members in 2002 were:

Sen. Pete Campos, Las Vegas, chairman  
Rep. Daniel P. Silva, Albuquerque, vice chairman  
Sen. Manny M. Aragon, Albuquerque  
Rep. Anna M. Crook, Clovis  
Sen. Dianna J. Duran, Tularosa  
Rep. Dona G. Irwin, Deming  
Sen. Don Kidd, Carlsbad  
Sen. Carroll H. Leavell, Jal  
Rep. Brian K. Moore, Clayton  
Sen. Mary Kay Papen, Las Cruces  
Sen. Shannon Robinson, Albuquerque  
Sen. Nancy Rodriguez, Santa Fe  
Rep. Raymond M. Ruiz, Albuquerque  
Rep. Henry Kiki Saavedra, Albuquerque  
Rep. Sheryl Williams Stapleton, Albuquerque  
Rep. Don Tripp, Socorro

Advisory Members:

Rep. Donald E. Bratton, Hobbs  
Rep. Rob Burpo, Albuquerque

Sen. Joseph A. Fidel, Grants  
Rep. Mary Helen Garcia, Las Cruces  
Sen. Mary Jane M. Garcia, Doña Ana  
Rep. Ben Lujan, Santa Fe  
Sen. William H. Payne, Albuquerque  
Rep. Earlene Roberts, Lovington  
Sen. Richard M. Romero, Albuquerque  
Sen. H. Diane Snyder, Albuquerque  
Rep. James G. Taylor, Albuquerque  
Rep. Luciano "Lucky" Varela, Santa Fe  
Rep. Jeannette O. Wallace, Los Alamos

**Staff:** Jonelle Maison and Carrie McGovern staffed the committee in 2001. Renee Gregorio and Luce Salas staffed the committee in 2002.

### **Public School Capital Outlay Task Force (2001, 2002)**

The public school capital outlay task force was created by Laws 2001, Chapter 338 as a continuing response to *Zuni School District v. State*. The work of the task force is to continue for three years and the task force is to report the results of its analyses and its findings and recommendations to the governor and the legislature no later than December 1 of each year. The statutory authority for the task force is repealed effective January 1, 2004.

The duties of the task force, as set forth in the legislation, are to:

(1) study and evaluate the progress and effectiveness of programs administered pursuant to the Public School Capital Outlay Act and the Public School Capital Improvements Act;

(2) evaluate the existing permanent revenue streams and other potential revenues as adequate long-term funding sources for public school capital outlay projects and recommend any changes that may be more cost-effective or appropriate;

(3) evaluate the effectiveness and fairness of the formula used in determining the amount of grant assistance that an approved public school capital outlay project may receive from the public school capital outlay fund and recommend any proposed changes to the legislature; and

(4) monitor and assist the public school capital outlay council as it:

(a) defines outstanding public school capital outlay deficiencies pursuant to Section 22-24-4.1 NMSA 1978;

(b) works with school districts in conducting a self-assessment of the projects needed to correct the outstanding deficiencies and establishes criteria for addressing those needs;

(c) develops statewide adequacy standards that establish the minimum acceptable level for the physical condition and capacity of public school buildings, the educational suitability of educational facilities and the need for technological infrastructure; and

(d) develops guidelines and procedures for reporting requirements and conditions to ensure that the grants are expended in the most prudent manner possible and consistent with the original purpose for which they were made.

In order to accomplish the duties set forth in the legislation, the task force proposed to focus its work for the 2001 interim as follows:

- review any legislation that is passed in 2001 to assess its effectiveness

The task force will review background information on the *Zuni* lawsuit, the work and recommendations of previous task forces and the specific provisions of Laws 2001, Chapter 338. The task force will meet with state finance and education officials and with representatives of the school districts to evaluate the progress and effectiveness of programs administered pursuant to the Public School Capital Outlay Act and the Public School Capital Improvements Act and to determine whether to recommend any further changes to these acts to improve their effectiveness.

- monitor and assist the public school capital outlay council as it implements the new deficiencies correction program and moves to the statewide, standards-based program

In enacting the current law, the legislature emphasized the need for a high level of accountability for the expenditure of public school capital outlay funds given the large amount of discretion delegated to the public school capital outlay council (PSCOC). With this in mind, the task force will review the guidelines, procedures and local reporting requirements adopted by the council for implementing the deficiencies correction program, the short-term critical capital outlay program and the proposed standards-based program to ensure that state funds will be spent in an effective manner. The task force will also review the administrative structure being

developed by the state to implement the programs and may make recommendations for changes based on experiences in other states and the professional experiences of task force members.

The task force will receive periodic reports from the PSCOC on its work related to the deficiencies correction program. The task force will also monitor the progress of the council in determining the total funding amounts needed to correct outstanding deficiencies.

The task force will review the draft standards being developed by the council. The focus of the review will be to ensure that the standards-based program will meet the goal of achieving a statewide uniform system of public school capital outlay funding. The task force will continue to assess the short-term and long-term funding needs for implementing the standards. While the statewide needs assessment is not expected to be completed until September 2002, the task force will meet with the contractor doing the assessment to review the methodology being used and to monitor preliminary findings prior to the next legislative session.

- review the local participation formula enacted in the Public School Capital Outlay Act (Laws 2000 (2nd S.S.), Chapter 19)

A priority of the work of the task force during this interim will be to thoroughly review the local participation formula used in determining the amount of grant assistance that an approved public school capital outlay project may receive from the public school capital outlay fund once the standards-based program is effective. The task force will make recommendations for change to the 2002 legislature.

The formula review will focus both on the individual elements within the formula, to ensure that they result in an appropriate allocation of funds among districts, and on the overall result of the formula, in terms of the proposed share of funding to be provided by the state and the local school districts. Specific attention will be given to determining what sources of non-state funds should be included in the formula calculations and how to appropriately measure and weigh local revenue capacity and local funding effort.

- evaluate the existing permanent revenue streams and other potential revenues as adequate long-term funding sources for public school capital outlay projects

The task force will hear from state finance experts about projected levels of severance tax revenues and the supplemental severance tax bonding capacity, especially in terms of expected long-term trends. The task force will also monitor the availability of new federal revenues for school construction projects.

The task force will review the funding available for maintenance and repairs of school facilities, including the impact of raising the state guarantee amount under the Public School Capital Improvements Act to \$50.00 per mill. An assessment will be made as to whether increases in either the state guarantee amount or the local mill levy amount, or both, are required to provide an adequate revenue stream for the upkeep of school facilities.

The task force will continue to analyze the need for other long-term funding sources and, if existing revenue sources do not appear adequate, will evaluate the advantages and disadvantages of various funding options. The task force will review the work of the previous task forces in this area and will re-evaluate the options in light of additional information on the level of needs and legislative and other feedback on the suitability of the options. As in the past, the evaluation of each option will take into account:

- (1) any short-term and long-term effects upon the general fund;
- (2) any potential impact upon other capital outlay needs of the state, including institutions of higher education and political subdivisions; and
- (3) any potential impact upon the citizens, business and future economic development potential of the state.

The legislative and public members of the public school capital outlay task force in 2001 were:

Robert Desiderio, dean of the university of New Mexico school of law,  
Albuquerque, co-chair  
Rep. Rick Miera, Albuquerque, co-chair  
Sen. Ben D. Altamirano, chair, senate finance committee, Silver City  
Phil Archibeck, state investment officer, Santa Fe  
Gerald M. Burke, Las Cruces  
Rep. Max Coll, Santa Fe  
Linda Coy, superintendent, Grants-Cibola county schools, Grants  
Michael J. Davis, superintendent of public instruction, Santa Fe  
Sen. Dianna J. Duran, Tularosa  
Harold Field, secretary of finance and administration, Santa Fe

John P. Gasparich, Santa Fe  
Pancho Guardiola, superintendent, Jemez Mountain public schools, Gallina  
Leonard Haskie, Gallup  
Robert G. Heyman, Santa Fe  
Jay Jordan, dean of the New Mexico state university college of engineering,  
Las Cruces  
Rep. Larry A. Larrañaga, Albuquerque  
Rey S. Medina, Santa Fe  
Bud Mulcock, Albuquerque  
Sen. Cynthia Nava, Las Cruces  
Neil Nuttall, superintendent, Clovis municipal schools, Clovis  
Norman Suazo, Rio Rancho

In order to accomplish the duties set forth in the legislation, the task force proposes to focus its work during the 2002 interim as follows:

- continue to review the developments in the *Zuni* lawsuit as they pertain to the new, statewide public school capital outlay program as set out in Laws 2001, Chapter 338

The task force will continue to review developments in the *Zuni* lawsuit that address the ability of the state to implement a system of funding public school infrastructure that meets the constitutional requirement to provide a uniform system of public schools sufficient for the education of all children of school age in the state. The task force will review any judicial findings and decisions in this area and assess how they affect the new standards-based system and financing commitments set out in Laws 2001, Chapter 338. The task force will make recommendations for changes to these provisions, if needed, to address any issues raised by the court about the constitutionality or effectiveness of the new program.

- monitor and assist the PSCOC as it implements the new deficiencies correction program and moves to the statewide, standards-based program

During the 2001 interim, many of the individual pieces of the new capital outlay process were just starting to be implemented. This limited the information available to the task force in terms of carrying out its monitoring role. During the 2002 interim, this role will be more important, as many of these pieces are now well underway.

The task force will continue to review the guidelines, procedures and reporting requirements adopted by the PSCOC for implementing the deficiencies correction program. The

initial assessment of deficiencies in the schools has now been completed, and the task force will receive periodic reports from the deficiencies correction unit (DCU) about the amount and nature of these deficiencies. The task force will monitor the progress being made in correcting the deficiencies and in spending previously appropriated state funds for this purpose. It will also continue to assess the administrative effectiveness of the DCU in terms of ensuring that the state money is being spent effectively and that the school districts are appropriately involved in the program. If requested, the task force will hear from local school districts about concerns related to the implementation of the deficiencies correction program.

The task force will also continue to review the draft standards being developed by the PSCOC prior to their adoption by September 1, 2002. The focus of the review will be to ensure that the standards-based program will meet the goal of achieving a statewide uniform system of public school capital outlay funding. The task force will look at the standards in some detail to determine if they meet reasonable and affordable educational, technological and physical condition goals that the state can use as the basis for funding decisions in the future.

The task force will review in detail the statewide facilities assessment study being completed by 3D/International (3D/I) under the direction of the PSCOC. The study is to be completed by September 30, 2002. The task force will provide input into how the assessment data can best be used to determine future project funding priorities and how it can be maintained by the state to remain relevant. The task force will also scrutinize the total statewide needs that are identified in the assessment in order to better evaluate the adequacy of the current funding sources.

As part of the review of these programs, the task force will look at how the needs of charter schools will be met. The task force will hear from the PSCOC on this issue and will coordinate with the legislative education study committee as it reviews issues relating to charter schools.

- review the local participation formula enacted in the Public School Capital Outlay Act (Laws 2000 (2nd S.S.), Chapter 19)

A priority of the work of the task force during this interim will be to review the local participation formula used in determining the amount of grant assistance that an approved public

school capital outlay project may receive from the public school capital outlay fund once the standards-based program is in effect. In this review, the task force will consider, among other things, the issue of how direct legislative appropriations for school infrastructure affect the uniformity goals of the capital outlay system and to what extent the formula should take these appropriations into account. The task force will also look at other local funds available for capital outlay and determine how they should be integrated into the funding formula. The task force will make recommendations for changes to the formula in its December 2002 report.

The formula review will also consider the difficult issue of how to deal with school districts that are unable or unwilling to pass property tax mill levies or bond issues needed to meet their local match requirements.

- review the funding for maintenance of school facilities and the effectiveness of current school maintenance programs

The task force will appoint a subcommittee to look at the issue of maintenance of school facilities in order to ensure that the substantial additional state investment in school facilities will be wisely managed through adequate and effective maintenance programs at the local level. The maintenance subcommittee will evaluate, among other things, the adequacy of the current funding for school facility maintenance pursuant to the Public School Capital Improvements Act, commonly referred to as "SB 9", and the need for a statewide training program for school maintenance personnel.

- evaluate the oversight and administrative structure and procedures that apply to the management of public school capital outlay projects that receive state funding

One of the major concerns expressed by members of the legislature and members of the task force regarding the new statewide capital outlay program is the need for appropriate state oversight of projects funded with state funds. The task force will review the current administrative structure and procedures of the public school capital outlay unit of the state department of public education, which oversees the critical capital outlay program, and of the newly created DCU, which oversees the short-term deficiencies correction program, to determine what, if any, changes may be needed to implement the standards-based program beginning in

September 2003. The task force will focus on recommending an ongoing administrative structure that provides appropriate state oversight of construction projects and adequate control over the expenditure of state funds, while maintaining effective input and involvement of school district officials. The task force will also consider and make recommendations on the amount of budget support needed to fulfill these duties.

- evaluate the existing permanent revenue streams and other potential revenues as adequate long-term funding sources for public school capital outlay projects

With the adoption of the statewide standards and the completion of the needs assessment, the task force will be able to assess the overall capital outlay needs and develop a proposed time frame for meeting those needs. The task force will use the software developed by 3D/I to evaluate the effect of various spending scenarios on addressing the backlog of capital needs.

The task force will hear from state finance experts about projected levels of severance tax revenues and the supplemental severance tax bonding capacity, especially in terms of expected long-term trends. The task force will also monitor the availability of new federal revenues for school construction projects.

The task force will analyze the need for other long-term funding sources and, if existing revenue sources do not appear adequate, will evaluate the advantages and disadvantages of various funding options. The task force will review the work of the previous task forces in this area and will reevaluate these options in light of additional information on the level of needs and legislative and other feedback on the suitability of the options. As in the past, the evaluation of each funding option will take into account:

- (1) any short-term and long-term effects upon the general fund;
- (2) any potential impact upon other capital outlay needs of the state and its political subdivisions, including the institutions of higher education; and
- (3) any potential impact upon the current citizens and businesses of the state, as well as the future economic development potential of the state.

The legislative and public members of the public school capital outlay task force in 2002 were:

Robert Desiderio, dean of the university of New Mexico school of law,

Albuquerque, co-chair  
Rep. Rick Miera, Albuquerque, co-chair  
Sen. Ben D. Altamirano, chair, senate finance committee, Silver City  
Phil Archibeck, state investment officer, Santa Fe  
Gerald M. Burke, Las Cruces  
Rep. Max Coll, Santa Fe  
Michael J. Davis, superintendent of public instruction, Santa Fe  
Harold Field, secretary of finance and administration, Santa Fe  
John P. Gasparich, Santa Fe  
Pancho Guardiola, superintendent, Jemez Mountain public schools, Española  
Leonard Haskie, Gallup  
Robert G. Heyman, Santa Fe  
Rep. Larry A. Larrañaga, Albuquerque  
Sen. Carroll H. Leavell, Jal  
Kilino Marquez, Grants  
Rey S. Medina, Chama  
Bud Mulcock, Albuquerque  
Sen. Cynthia Nava, Las Cruces  
Neil Nuttall, superintendent, Clovis municipal schools, Clovis  
Norman Suazo, Rio Rancho  
Ken White, Las Cruces

**Staff:** In 2001 and 2002, Janet Peacock, Luce Salas and Paula Tackett staffed the task force.

### **Radioactive and Hazardous Materials Committee (2001, 2002)**

The radioactive and hazardous materials committee was created by statute in 1979 to provide a means of coordinating information exchange and to develop appropriate state actions in relation to the construction of the waste isolation pilot plant (WIPP) near Carlsbad. The name of the committee was changed in 1983 and again in 1986 to more accurately reflect the scope of the committee's work, which was broadened by the legislature in 1981, 1986 and 1991. Over the years, the committee has served as a de facto interim committee on the environment in lieu of the formal creation of another committee to deal with environmental issues. For example, in addition to the committee hearing testimony on the progress of the opening of WIPP, it has received testimony on federal water quality and air quality laws enforced by the state; solid waste landfill closures and openings; the potential siting of an interim, high-level radioactive waste facility on the Mescalero Apache reservation; and pipeline safety. Some members of the

committee have suggested that it become the interim oversight committee for the department of environment (NMED).

The committee proposed to gather information, hear testimony and make recommendations on the following subjects:

- status of WIPP and Resource Conservation and Recovery Act (RCRA) of 1976 permit modifications;
- national radioactive and hazardous waste disposal and storage technology and policies oversight;
- oversight of the NMED;
- pipeline safety; and
- radioactive and hazardous materials transportation system improvements.

The radioactive and hazardous materials committee members in 2001 were:

Sen. Richard C. Martinez, Española, chairman  
Rep. John A. Heaton, Carlsbad, vice chairman  
Sen. Shirley M. Bailey, Hobbs  
Rep. Donald E. Bratton, Hobbs  
Sen. Phil A. Griego, San Jose  
Rep. Manuel G. Herrera, Bayard  
Sen. Don Kidd, Carlsbad  
Sen. Carroll H. Leavell, Jal  
Sen. Cisco McSorley, Albuquerque  
Rep. Pauline J. Ponce, Roswell  
Rep. Joe M Stell, Carlsbad  
Rep. Jeannette O. Wallace, Los Alamos

Advisory Members:

Rep. Max Coll, Santa Fe  
Sen. Dianna J. Duran, Tularosa  
Rep. William W. Fuller, Albuquerque  
Sen. Mary Jane M. Garcia, Doña Ana  
Sen. Mary Kay Papen, Las Cruces  
Sen. John Pinto, Tohatchi  
Rep. Donald L. Whitaker, Eunice

For the 2002 interim, the committee proposed to gather information and hear testimony on the status of WIPP and its RCRA permit modifications; national radioactive and hazardous waste transportation; disposal and storage technology; administration by the NMED of superfund sites;

research and methods for the prevention of bioterrorism and use of hazardous materials by terrorists; air and water quality laws; solid waste issues; and pipeline safety.

The radioactive and hazardous materials committee members in 2002 were:

Sen. Richard C. Martinez, Española, chairman  
Rep. John A. Heaton, Carlsbad, vice chairman  
Rep. Donald E. Bratton, Hobbs  
Sen. Phil A. Griego, San Jose  
Rep. Manuel G. Herrera, Bayard  
Sen. Don Kidd, Carlsbad  
Sen. Carroll H. Leavell, Jal  
Sen. Cisco McSorley, Albuquerque  
Rep. Pauline J. Ponce, Roswell  
Rep. Joe M Stell, Carlsbad  
Rep. Jeannette O. Wallace, Los Alamos

Advisory Members:

Rep. Max Coll, Santa Fe  
Sen. Dianna J. Duran, Tularosa  
Rep. William W. Fuller, Albuquerque  
Sen. Mary Jane M. Garcia, Doña Ana  
Sen. Mary Kay Papen, Las Cruces  
Sen. John Pinto, Tohatchi  
Rep. Donald L. Whitaker, Eunice

**Staff:** In 2001, Gordon Meeks and Jeret Fleetwood staffed the committee. In 2002, Gordon Meeks served as staff.

### **Redistricting Committee (2001)**

The redistricting committee was created by Laws 2001, Chapter 220. The committee recommended new boundaries for the congressional districts in New Mexico; the state house of representatives and senate districts; the PRC districts; the state board of education districts; and the San Juan county magistrate court districts. The committee held one organizational meeting and 14 public meetings in 12 communities across the state, beginning on May 7, 2001 in Santa Fe and concluding on August 30, 2001, also in Santa Fe.

The legislature met in special session beginning on September 4, 2001, concluding its business on September 20, 2001. It sent the governor two senate plans, two house of representatives plans and one plan each for the congressional, PRC, state board of education and

San Juan county magistrate districts. The governor signed the PRC and San Juan county magistrate plans and vetoed all other plans. Consequently, the district plans drawn 10 years ago, following the 1990 federal decennial census, remained in effect for those offices that were the subject of the vetoed plans.

Litigation ensued over the lack of new congressional, house of representatives, senate and state board of education redistricting plans, as well as the PRC plan. The PRC challenge was eventually dropped.

Upon agreement of the parties in the litigation concerning the state board of education, first judicial district court judge Art Encinias ordered that the plaintiffs' submitted plan, which was the same redistricting plan passed by the legislature and vetoed by the governor (House Voters and Elections Committee Substitute for House Bill 10), be adopted as the redistricting plan for the state board of education. *Sanchez v. Vigil-Giron*, No. D0101 CV 2001-02250 (N.M. 1st Jud. Dist.) (order of February 6, 2002).

Before a trial commenced on the lack of a senate redistricting plan, a subcommittee consisting of Senators Sue Wilson Beffort, Dianna J. Duran, Carroll H. Leavell, Linda M. Lopez, Leonard Lee Rawson, Michael S. Sanchez, John Arthur Smith and Leonard Tsosie (Beffort, Lopez and Rawson being added to the redistricting committee after the special session) developed a compromise senate plan that was introduced as Senate Bill 485 during the regular legislative session in 2002. This plan was passed by the legislature and signed by the governor, effectively ending litigation concerning redistricting of the senate.

Several parties filed suit in state and federal courts asking those courts to redistrict the house of representatives and congressional districts if the legislature did not do so in a timely fashion. *Vigil v. Lujan*, No. CIV 01-1077 (D.N.M. March 15, 2001) (order dismissing case), was filed on September 17, 2001 in the United States district court for the district of New Mexico. Tenth circuit court of appeals chief judge Deanell Reece Tacha appointed a three-judge panel, consisting of federal district judge Bruce D. Black, circuit judge Bobby R. Baldock and circuit judge Paul Kelly, Jr., to hear the case. Another suit, *Padilla v. Johnson*, CIV 01-1081 (D.N.M.), originally filed in the state's second judicial district court, was removed by Governor Johnson to the federal district court where it was subsequently consolidated with *Vigil v. Lujan*. The court held a hearing on October 17, 2001, during which it was informed by the parties that a similar

proceeding involving the same parties and same issues was pending in state court in Santa Fe, *Jepsen v. Vigil-Giron*, Nos. D0101 CV 2001-02177, -02178, -02179 (N.M. 1st Jud. Dist., filed September 13, 2001) (consolidated), under a detailed scheduling order setting an expedited trial schedule. Consequently, on October 18, 2001, the federal court deferred to the state's efforts (both legislative and judicial) to accomplish its redistricting responsibilities in a timely manner.

A compromise on state house of representatives and congressional redistricting was not reached before the deadline set in first judicial district court judge James A. Hall's scheduling order. Before trial could begin in state court, however, the governor removed *Jepsen v. Vigil-Giron* to federal court. *Jepsen v. Vigil-Giron*, No. CIV 02-1291 (D.N.M., filed November 14, 2001). The three-judge panel held an expedited hearing, determining that removal was improper and, on November 20, 2001, ordering the case be remanded to state district court. The governor then sought a stay of that order pending appeal of the order to the United States supreme court, which was summarily denied by the federal court. The United States supreme court also denied a similar motion on December 11, 2001. The governor then disqualified state district court trial judge Hall, leading to a state supreme court hearing on the matter and the appointment of state district court judge Frank H. Allen, Jr., to hear the case.

The congressional redistricting case was tried during a two-week period, from December 11 to December 20, 2001. On January 2, 2002, Judge Allen issued his findings and conclusions, adopting the plan submitted by the *Vigil* plaintiffs. The plan equalized population among the three congressional districts by shifting just eight precincts among districts. On January 8, 2002, judgment was entered accordingly and no party sought review of that judgment.

The state house of representatives redistricting case was tried during a two-week period, from January 2 to January 16, 2002. On January 24, 2002, Judge Allen issued his findings and conclusions, adopting the second plan passed by the legislature (House Floor Substitute for House Voters and Elections Committee Substitute for House Bill 3) with alterations to house districts 1, 2, 3, 4, 5, 6, 9 and 69 to accommodate plans submitted by the Navajo Nation and the Jicarilla Apache Nation. Judgment was entered accordingly on January 28, 2002.

The governor and the *Vigil*, *Padilla* and *Gutierrez* plaintiffs-in-intervention moved to have the federal court declare the state house of representatives redistricting plan adopted by Judge Allen unconstitutional and adopt a lawful redistricting plan. Circuit judge Baldock, writing for

the three-judge panel, denied these motions on February 22, 2002. Subsequently, the governor and lieutenant governor filed a notice of appeal in state court, which, as of April 2002, had yet to be heard.

Another set of plaintiffs challenged Judge Allen's plan in federal court on February 15, 2002, in *Varoz v. Johnson*, No. CIV 02-0187 (D.N.M.). This suit, however, upon stipulation of the parties, was dismissed on March 18, 2002.

The members of the redistricting committee were:

Rep. Edward C. Sandoval, Albuquerque, co-chair  
Sen. Leonard Tsosie, Crownpoint, co-chair  
Sen. Joseph J. Carraro, Albuquerque  
Rep. Max Coll, Santa Fe  
Sen. Dianna J. Duran, Tularosa  
Sen. Dede Feldman, Albuquerque  
Rep. Mary Helen Garcia, Las Cruces  
Sen. Stuart Ingle, Portales  
Sen. Timothy Z. Jennings, Roswell  
Rep. James Roger Madalena, Jemez Pueblo  
Rep. Danice Picraux, Albuquerque  
Rep. Earlene Roberts, Lovington  
Sen. Bernadette M. Sanchez, Albuquerque  
Sen. John Arthur Smith, Deming  
Rep. Joe Thompson, Albuquerque  
Rep. Sandra L. Townsend, Aztec

Advisory Members:

Sen. Manny M. Aragon, Albuquerque  
Rep. Gail C. Beam, Albuquerque  
Sen. Sue Wilson Beffort, Albuquerque  
Sen. Carlos R. Cisneros, Questa  
Rep. Kandy Cordova, Belen  
Rep. Anna M. Crook, Clovis  
Rep. Daniel R. Foley, Roswell  
Sen. Mary Jane M. Garcia, Doña Ana  
Rep. Miguel P. Garcia, Albuquerque  
Rep. John A. Heaton, Carlsbad  
Rep. Ted Hobbs, Albuquerque  
Sen. Carroll H. Leavell, Jal  
Sen. Linda M. Lopez, Albuquerque  
Rep. Ben Lujan, Santa Fe  
Rep. Terry T. Marquardt, Alamogordo  
Rep. W. Ken Martinez, Grants  
Rep. Brian K. Moore, Clayton

Rep. Al Park, Albuquerque  
Sen. William H. Payne, Albuquerque  
Sen. Leonard Lee Rawson, Las Cruces  
Sen. Richard M. Romero, Albuquerque  
Sen. Michael S. Sanchez, Belen  
Sen. H. Diane Snyder, Albuquerque  
Rep. Sheryl Williams Stapleton, Albuquerque  
Rep. James G. Taylor, Albuquerque  
Rep. Don Tripp, Socorro

**Staff:** Jon Boller, Claudia McKay, John Yaeger and Luce Salas staffed the committee.

### **Revenue Stabilization and Tax Policy Committee (2001, 2002)**

The revenue stabilization and tax policy committee (RSTPC) is a statutorily created joint interim legislative committee. Pursuant to Section 2-16-3 NMSA 1978, the committee is directed to "examine the statutes, constitutional provisions, regulations and court decisions governing revenue stabilization and tax policy in New Mexico and recommend legislation or changes if any are found to be necessary...".

With this broad direction, the committee proposed to continue its ongoing study of the New Mexico tax system and the state's underlying tax policy to determine the fairness and adequacy of the state's tax structure and to ensure stable and sufficient revenues.

Following its study and review, for 2001, the committee proposed to develop its legislative package to offer necessary changes and address the problems and issues presented to the committee.

House Joint Memorial (HJM) 57 requested the committee to study the state and local tax structure, examine its adequacy for the twenty-first century and determine what changes are necessary to adapt to current economic, social, demographic and technological trends.

Senate Joint Memorial (SJM) 35, passed by the forty-fourth legislature, second session, in 2000, also requested that the committee undertake a comprehensive review of state tax structure and tax policy, and this process was begun in the 2000 interim. The committee proposed to include the study requested in HJM 57 as part of the continuation of the work begun in the 2000 interim. However, the committee's experience in undertaking this review suggests that a comprehensive study resulting in recommendations for a more equitable and efficient tax structure will require a longer time frame and additional investment of resources. The committee

will work during the 2001 interim to develop recommendations on the design of such a study, including the composition of the study group, staffing, funding and a proposed timetable. The chair may appoint a subcommittee to assist in developing these recommendations. The committee will submit a report to the second session of the forty-fifth legislature.

The committee proposed to follow up on the implementation and fiscal impacts of legislation from the 2001 session dealing with various taxation and revenue matters and to review federal taxation changes that may be enacted in upcoming months to assess the impact of these changes on state revenues.

The committee will take testimony from the taxation and revenue department and other interested parties regarding methods to improve the consistency and efficiency of administration of New Mexico's tax laws.

At the request of the New Mexico legislative council, the committee also proposed to review local government concerns about the impact of large areas of tax-exempt property on the ability to provide needed services and whether payments in lieu of taxes by the federal government are adequate; review information about declining gasoline tax revenues and the relationship to tax-exempt gasoline sales; and request reports from the state highway and transportation department on current revenues and projects and on the status of the local governments road fund.

The committee also proposed that it may:

- examine economic and revenue trends;
- review various other state taxes, including the taxation of oil, gas, coal and other natural resources; and fuel and road user (motor vehicle, motor transportation and other) taxes and fees;
- monitor severance tax revenues, including revenue and bonding authority estimates, and management of bond appropriations and expenditures;
- review and study local government revenue sources and trends and the balance of taxing authority, revenue sources and expenditures between the state and its local governments;
- examine the adequacy, mix and stability of state and local revenue sources and review the investment policies and management of state permanent funds as well as other state funds;

- and
- review existing tax laws for technical correction, cleanup or amendment;
  - conduct any other study or review of tax administration, tax laws, tax policy, public finance and revenue stabilization issues that the committee deems necessary.

The revenue stabilization and tax policy committee members in 2001 were:

Sen. John Arthur Smith, Deming, chairman  
Rep. Donald L. Whitaker, Eunice, vice chairman  
Sen. Rod Adair, Roswell  
Rep. William "Ed" Boykin, Las Cruces  
Sen. Joseph J. Carraro, Albuquerque  
Sen. Carlos R. Cisneros, Questa  
Rep. Anna M. Crook, Clovis  
Sen. Joseph A. Fidel, Grants  
Rep. Pauline K. Gubbels, Albuquerque  
Rep. Ben Lujan, Santa Fe  
Sen. Roman M. Maes, III, Santa Fe  
Rep. Debbie A. Rodella, San Juan Pueblo  
Sen. Nancy Rodriguez, Santa Fe  
Sen. William E. Sharer, Farmington  
Rep. James G. Taylor, Albuquerque  
Rep. Thomas C. Taylor, Farmington  
Rep. Leo C. Watchman, Jr., Navajo

Advisory Members:

Sen. Ben D. Altamirano, Silver City  
Sen. Sue Wilson Beffort, Albuquerque  
Rep. Ray Begaye, Shiprock  
Rep. Donald E. Bratton, Hobbs  
Rep. George D. Buffett, Albuquerque  
Rep. Rob Burpo, Albuquerque  
Sen. Phil A. Griego, San Jose  
Sen. Ramsay L. Gorham, Albuquerque  
Rep. Manuel G. Herrera, Bayard  
Sen. Stuart Ingle, Portales  
Sen. Timothy Z. Jennings, Roswell  
Sen. Patrick H. Lyons, Cuervo  
Sen. Cisco McSorley, Albuquerque  
Rep. Andy Nunez, Hatch  
Sen. Leonard Lee Rawson, Las Cruces  
Rep. Henry Kiki Saavedra, Albuquerque  
Sen. Bernadette M. Sanchez, Albuquerque  
Rep. Daniel P. Silva, Albuquerque

Rep. Joe M Stell, Carlsbad  
Rep. Luciano "Lucky" Varela, Santa Fe

For the 2002 interim, the committee proposed to continue its review of New Mexico's tax structure.

Joint memorials passed by the legislature in 2000 and 2001 requested that the committee undertake a comprehensive review of state and local tax structure and tax policy and determine what changes are necessary to adapt to current economic, social, demographic and technological trends. The committee began this study and review process in the 2000 interim and continued in the 2001 interim. The committee's work on this process in the 2000 interim suggested that developing recommendations for a more equitable and efficient tax structure would be a substantial undertaking beyond the scope of an interim committee. Accordingly, the committee's goal for the 2001 interim was to develop recommendations on the content and implementation of a comprehensive tax study, including the composition of the study group, staffing, funding and a proposed timetable. However, the committee had not reached consensus on recommendations by the end of the 2001 interim. In the 2002 interim, the committee will continue this process, with emphasis on examining local taxing authority. At the request of the legislative council, the committee will specifically examine the taxing authority of soil and water conservation districts.

- Monitoring implementation and impacts of 2002 New Mexico and federal tax legislation

The committee will follow up on the implementation and fiscal impacts of legislation from the 2002 session dealing with taxation and revenue matters. The committee will also review recently enacted federal taxation changes to assess the impact of these changes on state revenues.

- Miscellaneous

HJM 4 requested that the RSTPC receive a report from the telecommunications franchise task force on its findings and recommendations no later than December 31, 2002.

HJM 41 requested that the cabinet-level interagency committee on long-term care conduct a study of the cost and benefit of providing tax credits to offset prescription drug spending and report its findings to the RSTPC at its October 2002 meeting.

HJM 93 requested that the LFC, in cooperation with the local government division of the DFA, conduct a performance audit and evaluation of the programs funded from the local DWI grant fund and present a report of its findings to the RSTPC prior to October 1, 2002. The memorial also requested that the RSTPC hold hearings and make recommendations to the first session of the forty-sixth legislature as to possible reforms in the local DWI grant fund.

House Memorial 26 requested that the state racing commission conduct public hearings and other analyses to determine the potential benefits of licensing a horse racetrack in Hobbs and report its findings to the RSTPC before August 30, 2002.

The revenue stabilization and tax policy committee members in 2002 were:

Rep. Donald L. Whitaker, Eunice, chairman  
Sen. John Arthur Smith, Deming, vice chairman  
Sen. Rod Adair, Roswell  
Rep. William "Ed" Boykin, Las Cruces  
Sen. Joseph J. Carraro, Albuquerque  
Sen. Carlos R. Cisneros, Questa  
Rep. Anna M. Crook, Clovis  
Sen. Joseph A. Fidel, Grants  
Rep. Roberto "Bobby" J. Gonzales, Taos  
Rep. Ben Lujan, Santa Fe  
Sen. Roman M. Maes, III, Santa Fe  
Rep. Debbie A. Rodella, San Juan Pueblo  
Sen. Nancy Rodriguez, Santa Fe  
Sen. William E. Sharer, Farmington  
Rep. James G. Taylor, Albuquerque  
Rep. Thomas C. Taylor, Farmington

Advisory Members:

Sen. Ben D. Altamirano, Silver City  
Sen. Sue Wilson Beffort, Albuquerque  
Rep. Donald E. Bratton, Hobbs  
Rep. George D. Buffett, Albuquerque  
Rep. Rob Burpo, Albuquerque  
Sen. Phil A. Griego, San Jose  
Rep. Manuel G. Herrera, Bayard  
Sen. Stuart Ingle, Portales  
Sen. Timothy Z. Jennings, Roswell

Sen. Carroll H. Leavell, Jal  
Sen. Cisco McSorley, Albuquerque  
Rep. Andy Nunez, Hatch  
Sen. Leonard Lee Rawson, Las Cruces  
Rep. Henry Kiki Saavedra, Albuquerque  
Rep. Daniel P. Silva, Albuquerque  
Rep. Joe M Stell, Carlsbad  
Rep. Luciano "Lucky" Varela, Santa Fe  
Rep. Leo C. Watchman, Jr., Navajo

**Staff:** In 2001, Cleo Griffith, Claudia McKay and Cenissa Martinez staffed the committee. In 2002, Cleo Griffith, Pam Ray and Cenissa Martinez served as staff.

### **Tobacco Settlement Revenue Oversight Committee (2001, 2002)**

The tobacco settlement revenue oversight committee was created by the legislative council on May 2, 2001 pursuant to directives in Laws 2000 (2nd S.S.), Chapter 9. The charge to the committee for the 2001 interim was to:

- (1) maintain oversight of the amount of tobacco settlement revenue in the tobacco settlement permanent fund and the tobacco settlement program fund;
- (2) develop estimates of the amount that will be available for appropriation for fiscal year (FY) 2003 from the tobacco settlement program fund;
- (3) require current recipients of appropriations from the tobacco settlement program fund to submit reports and/or make presentations to the committee on use of the revenue and evaluations of specific programs receiving funding;
- (4) review reports and evaluations from current recipients of appropriations from the tobacco settlement program fund in developing its recommendations for future funding;
- (5) coordinate the review process with other interim legislative committees as appropriate;
- (6) receive testimony on appropriate uses of the tobacco settlement revenue, consistent with the directives in Section 6-4-10 NMSA 1978; and
- (7) develop recommendations on program funding for FY 2003, including funding levels and recommendations on changes in the purposes or programs to be funded, where appropriate. The committee shall coordinate and collaborate its recommendations with the LFC and provide its recommendations to the legislative council and the LFC no later than November 15, 2001.

The members of the tobacco settlement revenue oversight committee in 2001 were:

Rep. Gail C. Beam, Albuquerque, co-chairwoman  
Sen. Mary Jane M. Garcia, Doña Ana, co-chairwoman  
Rep. Ray Begaye, Shiprock  
Rep. Rob Burpo, Albuquerque  
Sen. Joseph J. Carraro, Albuquerque  
Sen. Richard C. Martinez, Española

Advisory Members:

Sen. Rod Adair, Roswell  
Sen. Manny M. Aragon, Albuquerque  
Sen. Dede Feldman, Albuquerque  
Rep. Miguel P. Garcia, Albuquerque  
Sen. Steve Komadina, Corrales  
Sen. Linda M. Lopez, Albuquerque  
Sen. Cynthia Nava, Las Cruces  
Sen. William H. Payne, Albuquerque  
Rep. J. Paul Taylor, Mesilla  
Rep. Don Tripp, Socorro

**Staff:** Melissa Pacheco staffed the committee.

The charge to the tobacco settlement revenue oversight committee for the 2002 interim was unchanged with the exception of new reporting dates and updated fiscal years.

The members of the tobacco settlement revenue oversight committee in 2002 were:

Rep. Gail C. Beam, Albuquerque, co-chairwoman  
Sen. Mary Jane M. Garcia, Doña Ana, co-chairwoman  
Rep. Ray Begaye, Shiprock  
Rep. Rob Burpo, Albuquerque  
Sen. Joseph J. Carraro, Albuquerque  
Sen. Richard C. Martinez, Española

Advisory Members:

Sen. Rod Adair, Roswell  
Sen. Manny M. Aragon, Albuquerque  
Sen. Dede Feldman, Albuquerque  
Rep. Miguel P. Garcia, Albuquerque  
Sen. Linda M. Lopez, Albuquerque  
Sen. Cynthia Nava, Las Cruces  
Sen. William H. Payne, Albuquerque  
Rep. J. Paul Taylor, Mesilla  
Rep. Don Tripp, Socorro

**Staff:** Claudia McKay and Maha Khoury staffed the committee, assisted by Dawn Edwards, an intern with the legislative intern program.

### **Water and Natural Resources Committee (2001, 2002)**

The water and natural resources committee was originally created by the legislative council in 1998. Prior to that, water had become an increasingly important component in the scope of work of interim committees that were focusing on electric utility restructuring. Water-related litigation was increasing, and it was felt by the legislative council that a separate committee dedicated to water issues was necessary.

One of the court cases that precipitated the creation of the committee was the adjudication of water rights on the lower Rio Grande. In 1999, the federal bureau of reclamation (BOR) made a claim in federal court for ownership of project water of the Elephant Butte irrigation district. Judge Alvin Parker of the federal district court eventually ruled against the BOR, deferring to state district court as the proper jurisdiction for water rights adjudication. The BOR has appealed that decision, but state district court appears to be the primary venue for that adjudication for the foreseeable future.

Cases are also pending in federal court pursuant to the Endangered Species Act of 1973. A consortium of environmental groups has been pursuing a case against the United States fish and wildlife service and the BOR concerning enforcement of the Endangered Species Act over the Rio Grande silvery minnow. This suit has significant implications for the middle Rio Grande conservancy district, the city of Albuquerque and the state's ability to comply with the Rio Grande Compact. The same environmental consortium has also filed notice of intent to sue on the willow flycatcher. That will have significant implications for the Elephant Butte irrigation district in addition to other water users. Similarly, the Pecos bluntnose shiner is being litigated in a different federal court.

Finally, the Texas legislature has appropriated several million dollars to pursue litigation against New Mexico under the Rio Grande Compact and perhaps the Pecos River Compact. New Mexico is under a United States supreme court order to meet its obligations under the Pecos River Compact with water deliveries. New Mexico under-delivered water to Texas by 14,000 acre-feet in the year 2000. Unless summer rain replenishes the watershed, the state of New

Mexico may be found in contempt of the supreme court in the year 2001 and be subject to a priority call by the court. This could result in millions of dollars of economic consequences affecting the whole state.

The water and natural resources committee may need to focus on issues related to these and other lawsuits in order for the state to be prepared and capable of adequately responding to the challenges to the state's constitutional jurisdiction over water law. The rights of irrigators and the ability of municipalities to serve domestic water consumers are in the balance.

Committee members, state agencies and members of the public have also asked that the committee address the following issues. Testimony on these issues may be invited in the context of the ongoing litigation facing the state. These issues include:

- oversight and performance of the office of the state engineer;
- alternative dispute resolution — recommendations on funding;
- status report of water rights adjudication in the state (to the legislative council);
- active river management and water rights adjudications by the state engineer;
- the scope and consequences of Indian water rights claims;
- mutual domestic water consumers' water rights and infrastructure financing;
- financing and use of the water trust fund enacted but not financed in 2001;
- forest fire impacts and watershed improvement;
- the status of regional water planning;
- the security of acequia water rights and acequia rehabilitation financing;
- conservation and improvements in water use efficiencies;
- the status of computerization of the state engineer's water rights records;

- replacement of ground water for lost surface water rights;
- enforcement of new restrictions enacted in 2001 on domestic water wells;
- the impact on New Mexico of proposed new federal water quality rules;
- municipal development of San Juan/Chama water;
- water banking and water rights transfers; and
- reorganization of state water agencies.

The water and natural resources committee members in 2001 were:

Sen. Carlos R. Cisneros, Questa, chairman  
 Rep. Joe M Stell, Carlsbad, vice chairman  
 Sen. Manny M. Aragon, Albuquerque  
 Sen. Sue Wilson Beffort, Albuquerque  
 Rep. Joseph Cervantes, Las Cruces  
 Sen. Kent L. Cravens, Albuquerque  
 Rep. Anna M. Crook, Clovis  
 Sen. Dede Feldman, Albuquerque  
 Sen. Mary Jane M. Garcia, Doña Ana  
 Rep. Pauline K. Gubbels, Albuquerque  
 Rep. Dona G. Irwin, Deming  
 Rep. James Roger Madalena, Jemez Pueblo  
 Rep. Brian K. Moore, Clayton  
 Rep. Andy Nunez, Hatch  
 Rep. Bengie Regensberg, Cleveland  
 Sen. Shannon Robinson, Albuquerque  
 Sen. H. Diane Snyder, Albuquerque  
 Rep. Don Tripp, Socorro

Advisory Members:

Rep. Ray Begaye, Shiprock  
 Rep. Rob Burpo, Albuquerque  
 Sen. Stuart Ingle, Portales  
 Sen. Timothy Z. Jennings, Roswell  
 Rep. Larry A. Larrañaga, Albuquerque  
 Rep. Ben Lujan, Santa Fe  
 Sen. Patrick H. Lyons, Cuervo  
 Sen. Mary Kay Papen, Las Cruces  
 Rep. Danice Picraux, Albuquerque

Sen. Leonard Lee Rawson, Las Cruces  
Sen. Nancy Rodriguez, Santa Fe  
Rep. Mimi Stewart, Albuquerque  
Sen. Leonard Tsosie, Crownpoint

The water and natural resources committee developed a work plan to focus on issues related to the lawsuits in order for the state to be prepared and capable of adequately responding to the challenges to the state's constitutional jurisdiction over water law. The rights of irrigators and the ability of municipalities to serve domestic water consumers are in the balance.

The current drought and projected long-term dry climate for New Mexico make this and other water issues critical for the state's economy and public welfare. To that end, the committee will stay informed about the effect of the drought and federal assistance opportunities. Since the New Mexico First town hall prioritized the completion of adjudication of water rights and water rights administration as the critical foundations for defending New Mexico's interests and responding to the drought, the committee intends to receive extensive testimony on the status of adjudications and the progress of completing adjudications. Of particular concern is the state engineer's effectiveness in completing adjudications.

The committee will consider proposed legislation to enhance water supply and conserve existing supplies and will hear testimony on watershed and riparian restoration, weather modification, incentives for water conservation technologies and funding and operation of soil and water conservation districts.

The legislature took several major steps during the 2002 regular session to comply with the Pecos River Compact. Therefore, the committee will hear testimony on the status of implementing plans for compliance. Other interstate compacts of concern to the committee are the Rio Grande Compact, the Colorado River Compact and the Canadian River Compact. Related to those compacts are development of Ute reservoir water; the Animas-LaPlata project; and the Gallup-Navajo project; and the progress of continuing negotiations with the Navajo Nation on its water needs.

The water planning process and development of a state water plan relate to all these issues. It is anticipated that any planning process will also consider the issues regarding water quality, aging dams, catchment dams, domestic wells, financing water infrastructure needs

through the water trust fund, acequias and their water rights, demand for water by electric power plants and implementation of the produced water tax incentive.

The members of the water and natural resources committee in 2002 were:

Rep. Joe M Stell, Carlsbad, chairman  
Sen. Carlos R. Cisneros, Questa, vice chairman  
Sen. Manny M. Aragon, Albuquerque  
Sen. Sue Wilson Beffort, Albuquerque  
Rep. Joseph Cervantes, Las Cruces  
Sen. Kent L. Cravens, Albuquerque  
Rep. Anna M. Crook, Clovis  
Sen. Dede Feldman, Albuquerque  
Sen. Mary Jane M. Garcia, Doña Ana  
Rep. Dona G. Irwin, Deming  
Rep. James Roger Madalena, Jemez Pueblo  
Rep. Brian K. Moore, Clayton  
Rep. Andy Nunez, Hatch  
Rep. Bengie Regensberg, Cleveland  
Sen. Shannon Robinson, Albuquerque  
Sen. H. Diane Snyder, Albuquerque  
Rep. Don Tripp, Socorro  
Rep. Robert White, Albuquerque

Advisory Members:

Rep. Ray Begaye, Shiprock  
Rep. Rob Burpo, Albuquerque  
Sen. Stuart Ingle, Portales  
Sen. Timothy Z. Jennings, Roswell  
Rep. Larry A. Larrañaga, Albuquerque  
Rep. Ben Lujan, Santa Fe  
Sen. Patrick H. Lyons, Cuervo  
Sen. Mary Kay Papen, Las Cruces  
Rep. Danice Picraux, Albuquerque  
Sen. Leonard Lee Rawson, Las Cruces  
Sen. Nancy Rodriguez, Santa Fe  
Rep. Mimi Stewart, Albuquerque  
Sen. Leonard Tsosie, Crownpoint

**Staff:** Gordon Meeks and Jeret Fleetwood staffed the committee in 2001. Gordon Meeks and Jon Boller staffed the committee in 2002.

## **Welfare Reform Oversight Committee (2001, 2002)**

The welfare reform oversight committee was created by Laws 1998, Chapter 8, Section 21 and Laws 1998, Chapter 9, Section 21. Section 2-17-3 NMSA 1978 sets forth the statutory duties of the welfare reform oversight committee.

2-17-3. Duties.

A. After its appointment, the welfare reform oversight committee shall hold one organizational meeting to develop a work plan and budget for the ensuing interim. The work plan and budget shall be submitted to the New Mexico legislative council for approval. Upon approval of the work plan and budget by the legislative council, the committee shall:

(1) examine the statutes, constitutional provisions and rules governing welfare reform in New Mexico;

(2) monitor and oversee the implementation of the New Mexico Works Act;

(3) review issues related to welfare reform, including job training programs and related contracts; cash assistance; child care, transportation and other job-related services; and other issues that arise because of the devolution of the federal welfare programs to the states; and

(4) make recommendations relating to the adoption of rules and legislation, if any are found to be necessary.

B. The committee shall regularly receive testimony from the secretaries of human services; labor; children, youth and families; and health and the superintendent of public instruction on issues arising from the implementation of the New Mexico Works Act and shall review proposed rules, schedules and formulae before adoption.

In pursuit of its statutory charge to oversee and monitor the implementation of the New Mexico Works Act and to review welfare reform issues, including job training, child care and transportation services, the welfare reform oversight committee will focus on how New Mexico can continue to move temporary assistance for needy families (TANF) participants and their families from cash assistance to self-sufficiency.

The committee will continue to follow the existence and impact of barriers to successful work placement for TANF participants throughout the state, including tribal communities, in the

areas of child care, transportation, housing and job development and placement. The committee will also monitor the manner in which more basic barriers, such as substance abuse and lack of education, are being identified and remedied in the TANF participant population. The committee will continue to work with CYFD, HSD, the state highway and transportation department and the labor department to remove these barriers.

The committee will continue its oversight of the child support enforcement division of HSD to determine whether that program is improving its effectiveness at providing child support payments to families. The committee will follow the division's efforts to eliminate discrepancies between collections and state payments of child support. Also, the committee will review the use of court orders to obtain child support.

The committee will continue to gather projections of the position the state will be in regarding the number of TANF participants who will be without cash assistance but in need of some state support on June 30, 2002, at the end of the five-year period in which the federal funding for TANF is scheduled to be discontinued. Also, the committee will monitor the number of TANF participants anticipated to be placed in jobs each quarter until that date and monitor the current rate of placement of TANF participants. The committee will continue to review access to services by TANF participants or those in need of TANF services. The committee will review data from longitudinal studies and the departments to assess the likelihood of accomplishing the projections of HSD and to enable long-term projections to be made regarding future TANF populations. The committee will review the departments' expenditures to determine how the money is being allocated for regional providers and if the regional providers are using the funding effectively. In addition, the committee will contract for analyses of changing TANF populations to determine the success of TANF among specific populations and the reasons for that success or failure.

The committee will continue to monitor access to TANF services by food stamp recipients and access to food stamps by TANF recipients. The committee will continue to monitor access to transitional medicaid for people leaving TANF.

The committee will review the strategic plans of HSD, CYFD and the labor department with those departments to determine if welfare reform and welfare-to-work goals are adequately identified and are being achieved.

The committee will seek information from the federal government through the offices of the state's federal representatives or through federal agencies on the progress of the reauthorization of funding for TANF.

The committee will contract for the compilation and analysis of information on the effect of TANF programs on the overall poverty rate of people in New Mexico and what strategies can be used to move New Mexico out of last or close-to-last place in poverty in the United States and to move individuals and families out of poverty. Also, the committee seeks to understand the reasons that New Mexico businesses do not choose to expand in New Mexico.

The welfare reform oversight committee members in 2001 were:

Rep. Max Coll, Santa Fe, chairman  
Sen. Manny M. Aragon, Albuquerque, vice chairman  
Sen. Shirley M. Bailey, Hobbs  
Sen. Mark Boitano, Albuquerque  
Sen. Linda M. Lopez, Albuquerque  
Rep. Terry T. Marquardt, Alamogordo  
Sen. John Pinto, Tohatchi  
Rep. Judy Vanderstar Russell, Rio Rancho  
Rep. Nick L. Salazar, San Juan Pueblo  
Sen. William E. Sharer, Farmington  
Rep. J. Paul Taylor, Mesilla

Advisory Members:

Sen. Ben D. Altamirano, Silver City  
Rep. Kandy Cordova, Belen  
Rep. Daniel R. Foley, Roswell  
Sen. Cisco McSorley, Albuquerque  
Sen. Leonard Lee Rawson, Las Cruces  
Rep. Earlene Roberts, Lovington  
Rep. Edward C. Sandoval, Albuquerque

In pursuit of its statutory charge to oversee and monitor the implementation of the New Mexico Works Act and to review welfare reform issues, including job training, child care and transportation services, the welfare reform oversight committee will focus on the reauthorization of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the effect of the 60-month time limit on people receiving TANF services, the way in which the state is helping and monitoring the success of former recipients of TANF services and the results

of the studies completed by Maximus and the university of New Mexico bureau of business and economic research.

The committee will continue to seek data pertaining to barriers to successful work placement for TANF participants throughout the state. The committee will also gather information on the success of implementation of tribal TANF programs. The committee will review the level of coordination and cooperation that exists among the agencies that are providing TANF services and also look at the funding available to those programs. The committee will contract for an analysis of the changes in the TANF population over the last several years and a projection of what can be expected as far as the number of people who will be in need of TANF services or other basic employment services in the future.

The committee will continue to review the strategic plans of HSD, CYFD and the labor department with those departments to determine if welfare reform and workforce development goals are adequately identified, being coordinated and cooperatively implemented and are being achieved.

The committee will gather information on the effect of TANF programs on the overall poverty rate of people in New Mexico and what strategies can be used to move New Mexico out of last or close-to-last place in poverty indices in the United States and to move individuals and families out of poverty.

The committee will consider whether it should be continued to oversee the implementation of the federal reauthorization of the PRWORA.

The committee will discuss providing the new administration with help in its transition period in orienting the new governor and his staff on welfare reform issues.

The welfare reform oversight committee members in 2002 were:

Rep. Max Coll, Santa Fe, chairman  
Sen. Manny M. Aragon, Albuquerque, vice chairman  
Sen. Mark Boitano, Albuquerque  
Sen. Linda M. Lopez, Albuquerque  
Rep. Terry T. Marquardt, Alamogordo  
Sen. John Pinto, Tohatchi  
Rep. Judy Vanderstar Russell, Rio Rancho  
Rep. Nick L. Salazar, San Juan Pueblo  
Sen. William E. Sharer, Farmington  
Rep. J. Paul Taylor, Mesilla

Advisory Members:

Sen. Ben D. Altamirano, Silver City  
Rep. Kandy Cordova, Belen  
Rep. Daniel R. Foley, Roswell  
Sen. Cisco McSorley, Albuquerque  
Sen. Leonard Lee Rawson, Las Cruces  
Rep. Earlene Roberts, Lovington  
Rep. Edward C. Sandoval, Albuquerque  
Rep. Gloria C. Vaughn, Alamogordo

**Staff:** In 2001, Pam Ray staffed the committee, assisted by Michelle Worley. In 2002, Pam Ray staffed with the assistance of Carrie McGovern.

**Senate Rules Committee**

The senate rules committee is the only standing committee of the legislature allowed to meet during the interim. Upon the approval of the voters in 1986, Article 4 of the constitution of New Mexico was amended to add Section 42, which allows the committee to operate during the interim to conduct hearings and take testimony on the confirmation or rejection of gubernatorial appointments. The senate rules committee then makes its recommendations to the next session of the legislature.

The members of the senate rules committee for the 2001 interim were:

Sen. Manny M. Aragon, Albuquerque, chairman  
Sen. Phil A. Griego, San Jose, vice chairman  
Sen. Rod Adair, Roswell  
Sen. Dianna J. Duran, Tularosa  
Sen. Ramsay L. Gorham, Albuquerque  
Sen. Don Kidd, Carlsbad  
Sen. Roman M. Maes, III, Santa Fe  
Sen. Cynthia Nava, Las Cruces  
Sen. Richard M. Romero, Albuquerque

The members of the senate rules committee for the 2002 interim were:

Sen. Linda M. Lopez, Albuquerque, chairwoman  
Sen. Phil A. Griego, San Jose, vice chairman  
Sen. Rod Adair, Roswell  
Sen. Dianna J. Duran, Tularosa  
Sen. Ramsay L. Gorham, Albuquerque  
Sen. Don Kidd, Carlsbad

Sen. Roman M. Maes, III, Santa Fe  
Sen. Cynthia Nava, Las Cruces  
Sen. Richard M. Romero, Albuquerque

**Staff** is provided by the senate chief clerk's office.

### **Commission on Uniform State Laws**

Chapter 2, Article 4 NMSA 1978 provides for the creation of a commission for the promotion of uniformity of legislation in the United States, whose purpose is to confer with commissioners from other states concerning uniform laws. The commission on uniform state laws is the national organization to which New Mexico's commissioners belong. The director of the legislative council service, Paula Tackett, and the dean of the university of New Mexico school of law, Robert Desiderio, are ex-officio members.

Other members of the commission on uniform state laws for 2001 were:

Rep. W. Ken Martinez, Grants  
Sen. Cisco McSorley, Albuquerque  
Jack Burton, Santa Fe  
Thomas P. Foy, Bayard  
Phillip Larragoite, Albuquerque

The members of the commission on uniform state laws for 2002 were:

Rep. W. Ken Martinez, Grants  
Sen. Cisco McSorley, Albuquerque  
Jack Burton, Albuquerque  
Thomas P. Foy, Bayard  
Philip Larragoite, Albuquerque

### **Educational Commission of the States**

Another national commission of which New Mexico is a member is the educational commission of the states.

The members of the educational commission of the states for 2001 and 2002 were:

Sen. Cynthia Nava, Las Cruces  
Rep. Sheryl Williams Stapleton, Albuquerque

## **Organized Crime Oversight Committee**

The organized crime oversight committee is a statutory committee created in the Organized Crime Act. The powers and duties of the committee are specified in Section 29-9-13 NMSA 1978. (This section was repealed by Section 3 of Chapter 223, Laws 2003.) The committee is charged with the duty to:

- (1) maintain continuous review and appraisal of the activities of the governor's organized crime prevention commission and the investigations of its staff; and
- (2) make reports to the legislature on the results of its review and appraisal.

In addition, the committee may:

- (1) attend meetings of the governor's organized crime prevention commission;
- (2) require special briefings by the commission and its staff regarding the commission's activities and expenditures;
- (3) require the assistance of any other agency of state government that it deems necessary to perform its functions; and
- (4) exercise any other powers deemed necessary to carry out the provisions of the act.

The committee is statutorily composed of the president pro tempore of the senate, the minority leader of the senate and the speaker of the house of representatives.

The members for the organized crime oversight committee for 2001 and 2002 were:

Rep. Ben Lujan, Santa Fe  
Sen. Stuart Ingle, Portales  
Sen. Richard M. Romero, Albuquerque

## **Other Appointments**

In addition to interim committee work, members of the legislature served by appointment on committees and task forces of organizations such as the national conference of state legislatures, the council of state governments and the energy council. Although these are

important assignments for the members serving on these bodies, the appointments are too numerous for inclusion in this report.

## **PART 2**

### **THE LEGISLATIVE COUNCIL SERVICE**

#### **Duties**

The legislative council service (LCS) is the staff agency created by law to serve all legislators. Among the major services it provides are: bill drafting; bill indexing; production of publications on legislative actions; daily bill location and cumulative action; reference and spot research, including constituent services; preparation of memoranda, including bill analyses and arguments for and against specified legislation; maintenance of the legislative research library; bookkeeping and accounting for the legislature; staffing and drafting for interim committees; certain housekeeping functions for the house and senate; and preparation of major research studies.

The LCS maintains several publications for the legislature's use, both during legislative sessions and interims. See **Publications**, in this part, for a list and description of LCS publications.

In addition to work performed at the request of individual legislators, the LCS assists other permanent legislative committees and the executive and the judiciary with the preparation of their bill drafts. All requests are confidential, by law, unless released by the person making the request.

Projects requiring a great amount of staff time must be requested through and approved by the legislative council.

Section 2-3-8 NMSA 1978 sets forth the duties of the LCS as follows:

- A. to assist the legislature of the state of New Mexico in the proper performance of its constitutional functions by providing its members with impartial and accurate information and reports concerning the legislative problems which come before them; and by providing digests showing the practices of other states and foreign nations in dealing with similar problems;

B. when so requested, to secure information for and to report to the legislators of this state on the social and economic effects of statutes of this state or elsewhere by cooperating with the legislative service agencies in other states and other reference agencies and libraries;

C. to furnish to the members of the legislature of this state the assistance of expert draftsmen, qualified to aid the legislators in the preparation of bills for introduction into the legislature;

D. to recommend to the legislature measures which will improve the form and working of the statutes of this state, and clarify and reconcile their provisions;

E. to provide for the legislature adequate staff facilities and to provide the adequate expert assistance without which no legislature can properly perform its required functions; and

F. to prepare and index for printing as promptly as possible after the adjournment of each session the session laws therefor, which compilation shall include all resolutions and acts which the legislature has adopted or passed during the session, and have received the approval of the governor when such approval is necessary.

### **Policies**

The established policies for the LCS were continued through this biennium. The prime concern of the LCS remains in the field of assistance to legislators, which includes drafting of all bills, resolutions, memorials, amendments, rule changes and capital outlay requests; legal analysis of issues and legislation; research; compiling of data and memoranda; and committee staffing.

The LCS is headed by a director who is hired by and responsible to the legislative council. The staff of the LCS is composed of such technical, clerical and stenographic personnel as the director deems necessary.

Because of the impartial and technical nature of the work of the LCS, employees are hired without regard to party affiliation. By the same token, LCS employees are prohibited from participating in partisan politics, other than the exercise of their individual voting rights.

The law also permits the director to hire temporary personnel to handle the extra workload of legislative sessions. The LCS hires additional receptionists, proofreaders, word processors, bill historians, bill clerks, billroom and mailroom clerks, central telephone operators and print shop workers during each session. The LCS may also contract with experts to provide drafting services during the session.

### **Legislative Council Service Staff**

On June 30, 2002, the LCS staff and assigned positions were as follows:

<u>Name</u>	<u>Position</u>
Tomas Aguirre	Systems Analyst
Diane Archuleta	Word Processor II
Jon Boller	Staff Attorney I
Raul Burciaga	Staff Attorney I
Mark Cross	Proofreader
Kathleen Dexter	Proofreader
Jeret Fleetwood	<i>Locator</i> Coordinator and Committee Staff
Barbara Griego	Receptionist
Cleo Griffith	Bill Drafter II
Jeannette Gurule	Financial and Procurement Assistant
Elizabeth Holmes	Research Assistant
Harold Hernandez	Security Officer
Roberta Herrera	Security Officer
John Jasper	Assistant Director/Drafting
Pamela Jensen	Proofing Supervisor
Tracey Kimball	Librarian
Ruth Kirkpatrick	Library Assistant
Michael Kuhlewind	Security Officer
Pam Larrañaga/Cyndi Romero	Financial Assistant (Job Share)
Richard Lovato	Security Officer
Joseph Mike Lujan	Security Officer
Phil Lynch	Bill Drafter II
Jonelle Maison	Bill Drafter IV
Sheila Manzagol	Financial Assistant
Cenissa Martinez	Records Officer
Danny Martinez	Duplicating Technician I
Louise Martinez	Word Processor I
Larry Matlock	Research Assistant
Claudia McKay	Staff Attorney I

Carrie McGovern	Proofreader
Gordon Meeks	Bill Drafter II
Adrian Ortiz	Security Officer
Tony Ortiz	Bill Drafter IV
Kathy Pacheco-Dofflemeyer	Assistant Director/Administration
Janet Peacock	Research and Fiscal Analyst
Richard Ross Peters	Staff Attorney I
J. Pamela Ray	Staff Attorney III
Rachel Ray	Bill Drafter I
Anita Rodriguez	Word Processing Supervisor
Marcial Rodriguez	Computer Assistant
Robert Rodriguez	Duplicating Supervisor V
Gino Romero	Duplicating Technician I
Meliza Romero	Receptionist
Luce Salas	Committee and Capital Outlay Assistant
Paula Tackett	Director
John Yaeger	Assistant Director/Legislative Affairs
Darrell Yazza	Information Technology Specialist

Changes in the LCS staff from July 1, 2000 through June 30, 2002 were:

**Additions:** Claudia McKay was hired as a staff attorney I on July 5, 2000. Raul Burciaga was hired as a staff attorney I on July 31, 2000. Tomas Aguirre was hired as a systems analyst on August 5, 2000. Marcial Rodriguez was hired as a computer assistant on March 21, 2001. Kathleen Dexter was hired as a proofreader on April 30, 2001. Fran Tarver was hired as a proofreader on May 14, 2001. Carrie McGovern was hired as a proofreader on June 18, 2001. Richard Ross Peters was hired as a staff attorney I on August 20, 2001. Rachel Ray was hired as a bill drafter I on August 20, 2001. Adrian Ortiz was hired as a security officer on August 27, 2001. Richard Lovato was hired as a security officer on August 28, 2001. Barbara Griego was hired as a receptionist on November 6, 2001. Ruth Kirkpatrick was hired as a library assistant on April 8, 2002. Larry Matlock was hired as a research assistant on June 22, 2002. Elizabeth Holmes was hired as a research assistant on June 24, 2002.

**Promotions:** Pamela Jensen was promoted to proofing supervisor on October 28, 2000. John Jasper was promoted to the assistant director/drafting on July 7, 2001. J. Pamela Ray was promoted to a staff attorney III on July 7, 2001. Luce Salas was promoted to committee and

capital outlay assistant on October 13, 2001. Jeret Fleetwood was promoted to *Locator* coordinator and committee staff on April 27, 2002. Cenissa Martinez was promoted to records officer on May 6, 2002.

**Resignations:** Susan Lilley left as library assistant on April 13, 2001. Fran Tarver left as proofreader on May 25, 2001. Freddie Martinez left as security officer on July 31, 2001. Douglas Dolcino resigned as records officer on August 3, 2001 and moved to New Hampshire. Diann Garcia left as receptionist on August 3, 2001. Harold Vigil resigned as security officer on August 3, 2001. Michelle Worley left as library assistant on December 21, 2001 to take a position at the legislative education study committee. Loretta Barela resigned as *Locator* coordinator and committee staff on April 26, 2002 to take a position at the compilation commission. Melissa Pacheco left on June 7, 2002 as staff attorney I.

**Retirements:** Sharlene Shoemaker retired as the assistant director/drafting on June 29, 2001. Sharlene had been a loyal and dedicated employee of the LCS since 1979, dedicating her services for 22 years. She was hired mid-session in 1979 to replace another drafter, and although Sharlene at first resisted, she eventually exchanged her speedy electric IBM and sharp no. 2 pencil for a personal computer, all the while continuing to harbor a deep distrust of "those" machines.

Sharlene embodied the philosophy of the LCS staff in her service to the legislature, as illustrated by her willingness to transform an idea from its beginning, rough and often unworkable form into a well-crafted piece of legislation ready for consideration and intense scrutiny by New Mexico's legislative body. She served as the quiet "right" and "left" hands of Representatives Jerry Sandel, Donald L. Whitaker and Ben Lujan and Senators Eddie Lopez and Carlos R. Cisneros, and all the members of the countless interim tax committees. During her tenure, Sharlene became an expert on a myriad of issues, most specifically finance and tax policy, and she was instrumental in reforming the capital outlay process in the legislature.

Sharlene epitomized the professionalism that is the *sine qua non* of legislative staff services. When she retired, she took with her the respect and admiration of the legislators, her coworkers and other professionals. Her spunky personality and unexpected laughter is greatly missed in the roundhouse by coworkers and legislators alike.

Kate Romig retired from the LCS as the public information assistant on December 31, 2001.

**Other Changes:** Sheila Manzagol laterally transferred to the accounting department as a financial assistant on May 7, 2001. Cleo Griffith and Gordon Meeks also had title changes to bill drafter II.

### **Activities**

A primary function of the LCS is the drafting of legislation.

With the length of sessions set by law, the continuing use of the techniques developed over the years permits drafters to fulfill the legislative requests expeditiously. The LCS drafting manual facilitates the production process by answering most of those questions relating to form and style that plague those who prepare legislation. Wide use of the manual by private attorneys, state agency staff attorneys and employees of the legislature promotes uniformity in drafts, amendments and format, reduces errors and eliminates uncertainty.

The greatest aid to rapid and accurate bill production by the LCS is the work process developed and followed in detail for each request. When a request is made of the LCS, it is logged by number, name of requester and subject matter, and a file is opened. An entry is also made in a chronological request book that includes, in addition to the above information, the name of the drafter assigned to the project. When a drafter has completed a given assignment, the file is sent to the proofreading department for an initial proofing and review of format, style and correct citations in bills. From there, the file is sent to the word processing department, where the contents are entered into the office's word processing system and printed in the form and style specified in the drafting manual.

After the bill is in final form, thoroughly second-proofed and all corrections made, it is transmitted to a bill clerk for duplicating the required number of copies, assembled and sent to the delivery drawer, at which time a notice is sent to the requester. Upon delivery of the bill, a notation is made on the file copy of the date and name of the persons making and taking delivery of the bill. The above procedure is the minimum process given each request.

The drafter, in preparing a bill for introduction, must thoroughly research the matter involved. He may find it necessary to hold several conferences with the requester, or he may need to confer with those best informed about the subject. Such work inevitably adds many hours or even days to the processing time.

Another vital function of the LCS is the research and preparation of information memoranda. Legislators may request a detailed and comprehensive summary of any information necessary to their deliberations. A memorandum may be one page or many pages in length. It may supply a single needed fact or an exhaustive survey of a field of interest. As with bill drafts, all memoranda are confidential, and not even the fact that they have been requested may be divulged to anyone unless released by the requester.

Another function performed by the LCS has been steadily increasing over the years. This category is composed of requests for information or services, other than bill drafts or information memoranda, that are of sufficient importance that separate files are opened. LCS staff provide speeches; press releases; suggested language for house and senate certificates of congratulations or condolence; compilations of bill sponsorship for legislators; and answers the legislators' requests for information, such as the laws of other states, statistics, material from other agencies and other data.

In addition to those information requests that require enough staff time to warrant a separate file, the LCS receives many requests for information that can be answered by letter or by telephone. The cost of keeping an accurate account of these requests would be prohibitive, but it is estimated that these minor requests average at least 50 per day for the entire year. The requests come from citizens, the news media, legislative service agencies of other states, survey publications and private industry, as well as legislators and state agencies. Questions cover a variety of subjects and include queries from students.

After the successful completion of a pilot program, capital outlay project requests were taken out of the traditional bill introduction process and accounted for through a separate locator and their own sponsorship and index system. The LCS staffs a capital outlay office during sessions with specialized drafters and data entry personnel to produce and track capital outlay certificates. The new process has been successful, saving both money and time.

## Library

The LCS library is an important resource in providing information for and about the legislative process. Library staff respond to requests from legislators and legislative staff, government agencies and a wide array of members of the public in and outside of New Mexico.

Special print materials include a historical collection of New Mexico bills, house and senate journals, session laws and statute compilations. The library has a comprehensive database of state legislators from 1912 to the present, tracks significant internet resources and maintains a select collection of reports, periodicals and other material focusing on legislative issues.

Library staff prepare several LCS publications and serve as liaison to the state publications program of the state library.

## Publications

The LCS publishes many annual reports and studies requested by the legislature, as well as other materials of importance to the legislature and the general public. The list of publications prepared during this biennium or available from the LCS is as follows:

- ★ *Highlights of the Forty-Fifth Legislature, First Session, 2001* – a summary of the most important legislation that passed and became law, as well as detailed information about the general appropriation act, special appropriations, revenue measures and capital outlay projects;
- ★ *Highlights of the Forty-Fifth Legislature, Second Session, 2002*;
- ★ *Constitutional Amendments Proposed by the Legislature in 2001 and 2002 — Brief Analysis and Arguments For and Against*;
- ★ *Piecemeal Amendment of the Constitution of New Mexico, 1911-1996*;
- ★ *Legislative Drafting Manual*;
- ★ *New Mexico State Legislature* (booklet explaining the legislature and how a bill becomes law; prepared for legislators to give to constituents);
- ★ *Index to Special District Governments in New Mexico*;
- ★ *Index to Revenue Sources of New Mexico* [new];

- ★ Organizational Chart of New Mexico State Government;
- ★ *Inventory of Statutory Executive Boards and Commissions*; and
- ★ *Directory of Permanent Legislative Staff*, a pre-session publication to provide pictures and information about permanent staff of the legislature;
- ★ *Legislative Council Service Report to the Legislative Council*;
- ★ other reports of special studies.

In addition to the foregoing publications, for each session the legislative council service prepares the following reference publications:

- ★ *Legislative Handbook*, which includes house and senate rules; various committee and legislator information lists, including standing committees, committee assignments by committees and members, occupations of legislators, seniority lists, floor seating charts and preceding interim committee lists; parliamentary procedure information; information on current public officials; maps of congressional, PRC, judicial and state board of education districts; information on executive departments, district judges, district attorneys and state board of education members; lists of county officials; classification of counties; official decennial census population of the state, counties and municipalities; history of political control of legislative sessions; list of legislative leaders since statehood; list of governors and lieutenant governors and their terms; women legislators since statehood; and the legislative staff code of conduct;
- ★ *Daily Bill Locator* – a cumulative record of all action on bills, memorials and resolutions through the previous day's session and published daily during each session;
- ★ *Final Daily Bill Locator* – a cumulative record showing all action on each bill, memorial and resolution introduced in the session;
- ★ *Bill Index* – an index of all bills, memorials and resolutions introduced, which is prepared weekly during the session;
- ★ *Subject Index* – a multilevel cross-referenced index of all subjects covered by introduced bills, memorials and resolutions;

- ★ Bill Sponsorship List – a record of all legislation introduced by each member of the legislature (reference copy only);
- ★ Conflicts List – a list of all bills that propose to amend, repeal, compile, recompile or make other changes to the same section of law (weekly and final);
- ★ Proposed and Final *Table of Changes* (weekly and final) – a list of all substantive sections of law being amended, repealed, compiled or recompiled by bill (proposed) or chapter (final);
- ★ *Concordance* – a list of all bills and proposed constitutional amendments that passed both houses, arranged numerically by chapter to bill and bill to chapter;
- ★ Senate and House Journals – records of the proceedings of the senate and house prepared by each and printed by the LCS;
- ★ *Voting Record* – each roll call vote abstracted from the journals of the house and senate;
- ★ Veto Messages – a bound compilation of the governor's messages regarding his reasons for vetoing bills; and
- ★ Directory of Legislative Offices.

The LCS also produces numerous lists and documents for the legislature and the public that pertain to interim committee work. These include:

- ★ interim committee lists (updated as necessary);
- ★ interim committee reports;
- ★ elections candidates lists (unofficial); and
- ★ list of legislators' names, addresses and phone numbers (updated as necessary).

## **Legislative Information System**

Support and development of the legislative information system (LIS) is an ongoing function of the information technology staff assigned to the LIS. In addition to the typical system maintenance and support and the user support functions, the IT staff continued to enhance both the network infrastructure and the legislative applications. The focus during fiscal years 2001 and 2002 was the support and enhancements of the existing systems and web sites as well as enhancement of the automation functionality of the legislative systems. The phase 3 projects during this period included:

### **A. Extension of network infrastructure to the new legislative annex**

The network infrastructure was expanded to serve the legislative staff and members who have offices in the legislative annex. This infrastructure includes communications equipment and wiring (both copper and fiber-optic) that provides a seamless communication between the two buildings.

### **B. Migrating the network infrastructure to a fast ethernet topology and implementing a managed, switched network**

The timing of the addition of the capitol annex to the infrastructure provided an opportunity to move from the former token-ring system to a fast ethernet topology. This move provided a new technology that offered wider bandwidths and increased capacity for the network data traffic. In addition, new Cisco switches were implemented that provided higher capacities of network traffic and a more manageable network.

### **C. Enhancements to the web site**

Since the web site is the main source for dissemination of legislative information, both internally and to the public, new features are planned and implemented each interim.

Phase 3 enhancements to the legislative web site included:

- 1) a new keyword search engine;
- 2) provision for user customization: this new feature allows a user to specify an interest and receive notification of certain legislation either by subject or by choosing desired legislation; and
- 3) other structural changes to improve the way information is accessed.

Additionally, new web sites for the legislative finance committee and the legislative education study committee were designed, developed and implemented. These sites are accessed from the legislative web site and contain information and documents produced by these committees.

### **D. Conversion of data system to provide integration with the web site**

The process of redeveloping and integrating the data systems was begun. The ultimate goal is to allow easy transfer of the data from the current structure to a more integrated set of databases in a format that can be accessed more directly by the web applications.

**E. Conversion of e-mail system to a Microsoft Exchange server with capabilities for web-based access**

The former e-mail system (GroupWise) had compatibility issues with the new operating systems and was cumbersome for remote users such as legislators. This system was replaced with a new e-mail system (Microsoft Outlook and Microsoft Exchange), which provides the same ease of access for both local and remote users.

**F. Upgrade of servers and workstations as necessary**

Each workstation and server is on a four-year replacement schedule. After four years of service each is evaluated for possible replacement. With this plan, roughly twenty-five percent of the equipment in place will be replaced each year.

**G. Development of strategy for use of notebook computers**

The user group continues to work on ways to enhance and increase the legislative usage of the notebook computers. This is done by making training easy and accessible and by providing useful legislative applications.

**H. Network Management**

Additional networking tools were authorized by the legislature and implemented for diagnostic purposes during the 2001 interim.

Development, implementation and maintenance of the legislative information system is a dynamic process that continues to change as technology evolves. A history of the development of the system may be found in *The Twentieth Biennial Report of the Legislature and the Legislative Council Service*.

### **Print Shop**

Legislative branch publications are produced in the print shop of the LCS, which is a complete printing and binding facility. The print shop is responsible for a variety of duties, including large, professional duplicating jobs and logistical support for committees. During special sessions, all bills, memorials and resolutions are printed in the print shop, instead of being contracted out as they are during regular sessions. During sessions, the print shop operates in shifts and brings in temporary employees to assist its three permanent employees. The print shop performs printing services for all of the legislative agencies.

### **Bill Room Complex**

During regular sessions, the bill room complex is maintained by LCS staff. Here, introduced bills are received in quantity from the printer and are distributed as rapidly as possible:

- A. to each member of the house and senate;
- B. to each county clerk, district judge, radio and television station and newspaper, and the general library of each state-supported institution of higher learning;
- C. upon written request, to each state department, commission, board, institution or agency, each elected state official, each incorporated municipality, each district attorney, each ex-governor and each public school district in the state;
- D. to any person who pays the amount specified by law; and
- E. to each of not more than two other addresses that may be specified by each member of the legislature as recipients for his district (applicable only to 60-day sessions).

The bill room also serves as one of the communication centers during a session. It contains mail and message boxes for each legislator. Thousands of pieces of mail are sorted and processed for delivery to legislators and staff. *Bill Locators*, daily calendars and other informational materials are all available here. The legislative switchboard and message center, located in the bill room complex, is manned by highly qualified operators. Even during the haste and urgency of the next-to-last legislative day, the LCS, together with the bill room complex, keeps materials, information and messages flowing smoothly.



## **PART 3**

### **BUILDINGS AND GROUNDS**

Through legislative enactments, the "care, custody and maintenance" of the buildings in which the legislature and the state library are located and their surrounding grounds are vested in the legislative council. The director of the LCS is responsible for all matters pertaining to these buildings and grounds.

Under the supervision of the building superintendent, a crew composed of custodians, electricians, plumbers, mechanics, carpenters and painters performs the routine functions of maintenance and custodial services for the complex. Normal maintenance systems have been established to reduce major repairs and ensure operation of all equipment at maximum efficiency.

The landscaping, under the supervision of the director of the LCS, has continued with the replacement and addition of more shrubs, trees and flowers. The landscape of the state capitol was designed to conserve water and to reduce the hours of staff time necessary to maintain the well-groomed ground areas. The appearance of the grounds receives an increasing amount of praise each year.

After the incidents of 9/11, additional security measures were put in place at the capitol, including more limited access to parking facilities, permit parking and a larger security force under the legislative council service.

#### **Capitol North and Capitol Renovation**

The capitol north and capitol renovation continued from 1998 through 2000 and was complete for the 2001 session. The capitol annex is the first three-branch building in the state, providing offices for the legislative education study committee, the legislative finance

committee, the secretary of state, the administrative offices of the courts and some legislative offices for members of the house.

## **PART 4**

### **CAPITOL ART FOUNDATION**

The capitol art foundation was created in 1992 in response to senate and house memorials passed by the New Mexico legislature requesting the LCS and the capitol art selection committee to establish a nonprofit foundation to assist in the acquisition of art for display in the New Mexico state capitol. The legislative council approves the membership of the foundation based on recommendations from the foundation board.

The mission of the capitol art foundation is to collect, preserve, display and interpret works of art by New Mexico artists and other relevant works of art that reflect the rich and varied history, cultures and art forms of New Mexico. The capitol art foundation also promotes public appreciation and understanding of the art, history and culture of New Mexico by displaying art and artifacts of historical or cultural significance in temporary exhibitions at the capitol. The capitol art foundation is committed to public education programs that address the needs of a diverse audience. It also seeks to promote goodwill and understanding through its programs.

The capitol art collection was begun with the purchase of 14 works of art and 17 art furniture groupings, using funds set aside during renovation of the capitol for the purchase of art under the state's one percent for the arts program. Subsequent acquisitions of art for the collection have been purchased with proceeds from fundraising activities and charitable donations to the foundation. State funds are provided for framing, securing installations (to protect the works from damage and theft), routine maintenance, occasional conservation and restoration, associated administrative costs and the development and publication of educational materials to accompany the art, which is installed permanently in public areas of the capitol.

As the central mission of the capitol art foundation, acquiring art for the collection is an ongoing project. The executive director/curator works with arts organizations, artists and art

collectors throughout the state and region and the appropriate committees of the capitol art foundation to identify suitable works of art for the collection. Once a work of art is acquired, through purchase or gift, suitable framing or other preparation and installation occurs as soon as possible in fulfillment of the foundation's mission and its responsibilities to donors. The more than 100,000 people who visit the capitol each year see, under one roof, a collection of art that reflects the wide aesthetic, cultural and technical diversity and virtuosity that is New Mexico art.

The missions of the capitol art foundation and New Mexico's art and folk art museums, while different, are complementary. Recognizing that New Mexico's art organizations can most benefit one another and the public by cooperating and sharing resources, many New Mexico museum professionals serve on the capitol art foundation board of directors and on its various committees. Several projects and programs developed jointly by the foundation and other arts organizations have occurred and more are planned. The capitol art foundation with its unique, highly visible mission, and the capitol art collection have become welcome additions to New Mexico's arts community.

In fulfillment of its mission, the foundation developed a five-year plan that began on July 1, 1993. This plan addressed all aspects of the foundation's large mission and day-to-day operation, and was developed with the interests of a wide public foremost at all times. The foundation continues to update and implement its plans for the capitol art collection.

## **PART 5**

### **TOURIST INFORMATION SERVICE**

The state capitol is a tourist attraction second only to the museums of New Mexico with an estimated 280,000 visitors touring the building during any two-year period. The tourist information service has become an important part of the duties of the LCS, for which it retains a full-time and a part-time employee and, during the peak summer tourist season, hires college students as guides.

Basic tours have been given for such varied groups as senior citizens, students, art collectors, architects and foreign dignitaries. The spring season is a particularly active time for students from throughout New Mexico to tour the capitol. The tour is the first view of state government in action for the majority of these students. Other people who tour the capitol come from throughout the United States and the world, including numerous visitors from Germany, China and Russia. Specialty tours are conducted for visiting foreign dignitaries and publications about the capitol are available in Italian, Spanish, Chinese and German. The rotunda and its mosaic great seal, the galleries of the house and senate, offices of the legislators, committee rooms, the permanent art collection and the reception areas of the governor, lieutenant governor and secretary of state, as well as a discussion on the symbolism of the building and the Zia sun symbol of New Mexico, are included in visitor tours.

The information and tour director and the tour guides research New Mexico's prime legislative issues, culture and current affairs, Native American history and the five state capitols that have housed the legislature in order to be well-versed in the history of New Mexico and the operation of its government. In addition, they research New Mexican art traditions and tour New Mexico state museum art exhibits in order to provide comprehensive information about the capitol art collection. The tourist information service fields questions daily about state, city,

county and federal departments, agencies and programs both by phone and at the reception counter located in the east lobby.

**STATEMENT OF APPROPRIATIONS AND EXPENDITURES  
LEGISLATIVE COUNCIL SERVICE\***

(Year Ending June 30, 2001)

Appropriations		\$ 3,965,400
Expenditures:		
Org 0000		
personal services	1,920,183	
employee benefits	592,882	
in-state travel (staff)	17,771	
maintenance and repairs	8,456	
supplies	28,913	
contractual services	181,773	
operating costs	310,038	
capital outlay	71,981	
out-of-state travel (staff and legislative)	8,776	
Org 0100		
in-state travel	41,140	
operating costs	7,915	
other costs	203,141	
out-of-state travel	28,025	
 Total Expenditures and Encumbrances		 \$3,420,994
Reversion to General Fund		<u>\$544,406</u>

\*Does not include appropriations and expenditures of the Legislative Maintenance Department.

**STATEMENT OF APPROPRIATIONS AND EXPENDITURES  
LEGISLATIVE COUNCIL SERVICE\***

(Year Ending June 30, 2002)

Appropriations	\$4,272,800
Expenditures:	
Org. 0000	
personal services	2,658,670
contractual services	205,345
other costs	439,518
other financing sources	1,000
Org. 0100	
other costs	278,745
 Total Expenditures and Encumbrances	 3,583,278
Reversion to General Fund	<u>\$689,522</u>

\*Does not include appropriations and expenditures of the Legislative Maintenance Department.