



**MINUTES
of the
THREE-HUNDRED-EIGHTY-FOURTH MEETING
of the
LEGISLATIVE COUNCIL
June 24, 2019
Santa Fe**

The three-hundred-eighty-fourth meeting of the Legislative Council was called to order on Monday, June 24, 2019, at 2:43 p.m. in Room 307 of the State Capitol by Representative Brian Egolf, co-chair.

Present

Rep. Brian Egolf, Co-Chair
Sen. Mary Kay Papen, Co-Chair
Sen. Carlos R. Cisneros
Rep. Candy Spence Ezzell
Rep. Roberto "Bobby" J. Gonzales
Sen. Stuart Ingle
Rep. Patricia A. Lundstrom
Rep. Rod Montoya
Sen. William H. Payne
Sen. Clemente Sanchez
Sen. John Arthur Smith
Rep. Sheryl Williams Stapleton
Rep. James G. Townsend
Sen. James P. White
Sen. Peter Wirth

Special Advisory Members Present

Rep. Eliseo Lee Alcon
Rep. Phelps Anderson
Sen. Pete Campos
Rep. Gail Chasey
Sen. Ron Griggs
Sen. Daniel A. Ivey-Soto
Rep. Georgene Louis
Rep. Antonio Maestas
Sen. Michael Padilla
Rep. Jane E. Powdrell-Culbert
Sen. Gabriel Ramos
Rep. Patricia Roybal Caballero
Sen. William E. Sharer
Sen. Benny Shendo, Jr.

Absent

Rep. Doreen Y. Gallegos

Special Advisory Members Absent

Rep. Deborah A. Armstrong
Rep. Kelly K. Fajardo
Rep. Jason C. Harper
Rep. Dayan Hochman-Vigil
Sen. George K. Munoz
Sen. Steven P. Neville
Sen. Cliff Pirtle
Rep. Patricio Ruiloba
Rep. Christine Trujillo

Sen. Mimi Stewart
Rep. Elizabeth "Liz" Thomson

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Amy Chavez-Romero, Assistant Director for Drafting Services, LCS
Anesa Serna-Espinoza, Administrative Services Manager, LCS
Jon Boller, Senior Staff Attorney, LCS
Jeret Fleetwood, Researcher, LCS

Approval of Minutes

On a motion made, seconded and passed, the minutes of the April 29, 2019 meeting were approved as submitted.

Mr. Burciaga announced the following new LCS staff members: Andrea Lazarow, Antonia Romero, Laura Hamilton, Gabriel Pacheco and Amada Samora.

Interim Committee Work Plans and Budgets

Interim committee work plans and budgets were presented by appropriate LCS staff members. A copy of each work plan and budget is in the original meeting file.

The work plan, meeting schedule (including meetings outside of the State Capitol after September 30) and a budget of \$41,253 for voting members and \$49,478 for advisory members for the Science, Technology and Telecommunications Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside of the State Capitol after September 30) and a budget of \$36,712 for voting members and \$29,136 for advisory members for the Land Grant Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$62,669 for voting members and \$10,000 for professional services for the Revenue Stabilization and Tax Policy Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside of the State Capitol after September 30) and a budget of \$26,527 for voting members and \$30,776 for advisory members for the Military and Veterans' Affairs Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside of the State Capitol after September 30) and a budget of \$55,459 for voting members and \$32,880 for advisory members for the New Mexico Finance Authority Oversight Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$35,963 for voting members and \$20,684 for advisory members for the Public School Capital Outlay Oversight Task Force were approved as submitted.

The work plan, meeting schedule (including a meeting outside of the State Capitol after September 30) and a budget of \$62,682 for voting members and \$102,790 for advisory members for the Water and Natural Resources Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$23,606 for voting members and \$15,403 for advisory members for the Radioactive and Hazardous Materials Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside of the State Capitol after September 30) and a budget of \$55,457 for voting members, \$108,075 for advisory members and \$6,000 for expert testimony for the Economic and Rural Development Committee were approved as submitted.

The work plan, meeting schedule (including meetings outside of the State Capitol after September 30) and a budget of \$12,433 for voting members, \$12,676 for advisory members and \$20,000 for expert testimony for the Mortgage Finance Authority Act Oversight Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$21,518 for voting members, \$17,380 for advisory members and \$20,000 for expert testimony for the Investments and Pensions Oversight Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside of the State Capitol after September 30) and a budget of \$44,973 for voting members, \$136,936 for advisory members and \$6,000 for expert testimony for the Legislative Health and Human Services Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside of the State Capitol after September 30) and a budget of \$7,469 for voting members and \$3,612 for advisory members for the Disabilities Concerns Subcommittee were approved as submitted.

The work plan, meeting schedule (including a meeting outside of the State Capitol after September 30) and a budget of \$9,691 for voting members and \$8,239 for advisory members for the Behavioral Health Subcommittee were approved as submitted.

The work plan, meeting schedule (including meetings outside of the State Capitol after September 30) and a budget of \$70,730 for voting members and \$61,478 for advisory members for the Indian Affairs Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$32,518 for voting members and \$27,409 for advisory members for the Transportation Infrastructure Revenue Subcommittee were approved as submitted.

The work plan, meeting schedule (including a meeting outside of the State Capitol after September 30) and a budget of \$51,283 for voting members and \$49,065 for advisory members for the Courts, Corrections and Justice Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside of the State Capitol after September 30) and a budget of \$17,967 for voting members, \$3,948 for advisory members and \$7,000 for expert testimony for the Criminal Justice Reform Subcommittee were approved as submitted.

The work plan, meeting schedule and a budget of \$15,305 for voting members and \$7,876 for advisory members for the Tobacco Settlement Revenue Oversight Committee were approved as submitted.

A budget of \$9,039 for up to three meetings in the State Capitol for the Capitol Security Subcommittee was approved as submitted.

A budget of \$7,278 was approved for the Interim Legislative Ethics Committee, in the event that the committee would need to convene.

Representative Egolf suggested that a meeting of the Interim Legislative Ethics Committee be held relatively soon to help determine how the committee might interact with the recently created State Ethics Commission.

In response to a question, staff explained that Legislative Council policy does not allow meetings outside of the State Capitol after September 30 without authorization from the council, and asked that staff bring requests for meeting dates outside of the State Capitol after September 30 to the council as a matter of compliance with policy.

In response to another question, staff explained that while the Legislative Finance Committee and the Legislative Education Study Committee are appointed by the council, they do not bring their work plans and budgets before the council for approval.

Use of Chambers

- Mr. Burciaga relayed two requests for use of the senate chambers to the council:
- the National Hispanic Caucus of State Legislators requested use of the senate chambers on August 1, 2 or 3; and
 - Emerge New Mexico requested use of the senate chambers on September 21.

On a motion made, seconded and passed, the council authorized use of the senate chambers in early August by the National Hispanic Caucus of State Legislators.

On a motion made, seconded and passed, the council authorized the use of the senate chambers by Emerge New Mexico on September 21, with Representatives Ezzell, Montoya and Townsend and Senators Ingle, Payne and White voting NO.

Per Diem and Mileage Approval

Mr. Burciaga explained that council approval was required for per diem and mileage reimbursements for the following appointments:

- legislators that were requested to participate on groups convened pursuant to an executive order issued by the governor or other executive branch request and who had received approval by the speaker of the house of representatives or the president pro tempore of the senate; and
- reimbursement pursuant to the Per Diem and Mileage Act for members of the public appointed by the council, the speaker of the house of representatives or the president pro tempore of the senate (including actual expenses for out-of-state trips).

On a motion made, seconded and passed, per diem and mileage reimbursement was approved for all of the appointments referenced above.

Mr. Burciaga also explained that council policy allows for a set number of administrative days for the speaker of the house of representatives, the president pro tempore of the senate, majority and minority floor leaders and whips to perform duties associated with their leadership roles.

On a motion made, seconded and passed, per diem and mileage reimbursement for the speaker of the house of representatives, the president pro tempore of the senate, majority and minority floor leaders and whips to perform duties associated with their leadership roles was authorized on an as-needed basis.

Appointments

Mr. Burciaga explained that while some members of the New Mexico Bioscience Authority had already been appointed, the senate had recently named Stuart Rose as an appointee to the authority, which would require council approval and confirmation by the senate.

On a motion made, seconded and passed, Stuart Rose was appointed to the New Mexico Bioscience Authority.

Mr. Burciaga noted that the senate requested that two public members of the Insurance Nominating Committee, Frank Sayner and Scott Yurcic, both of whom represent the insurance industry, be appointed to the Insurance Nominating Committee. He also pointed out that two vacancies remain on the nominating committee, to be appointed by the speaker of the house of

representatives and the house minority floor leader. Both appointees must be insurance consumer advocates.

On a motion made, seconded and passed, Frank Sayner and Scott Yurcic were appointed to the Insurance Nominating Committee. Representative Egolf said that he was appointing Jennifer Ford to the Insurance Nominating Committee.

Mr. Burciaga also noted that both the legislative and executive appointments to the State Ethics Commission had been made and that the commission had scheduled its first meeting for July 1.

Capitol Kitchen Fund Approval

Mr. Burciaga relayed a request for the use of funds in the Capitol Kitchen Fund for incidental expenses of the interim committees, specifically coffee and coffee supplies, as well as for start-up costs of the coffee shops that operate in the capitol during legislative sessions.

On a motion made, seconded and passed, use of funds in the Capitol Kitchen Fund for incidental expenses of interim committees and coffee shop start-up costs was approved by the council.

In response to a question, Mr. Burciaga said that he would work with the house chief clerk to try to ensure that the kitchen would remain open when the senate is in session but the house is not. He also explained that, because the capitol coffee shops only operate during the session, they are considered temporary concessions and thus are not subject to the statute that requires year-round concessions to coordinate through the Commission for the Blind. However, he noted that staff had been in contact with the Commission for the Blind and was exploring options in case the individual who has run the coffee shops for many years elects not to return in 2020.

Capitol Parking Facility

Mr. Burciaga said that the City of Santa Fe had approached him about using the Capitol Parking Facility on weekends during the peak tourist season, roughly April through October. He explained that while the structure is closed on weekends, there is considerable demand for parking during events, such as the Saturday morning farmers' market, Indian Market, Spanish Market and other events. The city proposes to operate the parking structure and charge a fee to offset its costs. Mr. Burciaga noted that the city offered to share a portion of those fees with the legislature, but that the exact percentage of the fees to be shared had not yet been determined. Mr. Burciaga requested authorization from the council to work with the City of Santa Fe on developing a memorandum of understanding or other formal agreement. He also noted that he would apprise the speaker of the house of representatives and the president pro tempore of the senate and request approval to enter into a one-year pilot project agreement.

In response to a question, Mr. Burciaga said he would work with the General Services Department on issues such as insurance coverage.

The council discussed various aspects of the request, including involvement of the Capitol Buildings Planning Commission in reviewing the memorandum of understanding, security issues and liability.

On a motion made, seconded and passed, the council authorized Mr. Burciaga to develop a memorandum of understanding with the City of Santa Fe on weekend use of the Capitol Parking Facility, with Representative Ezzell and Senator Smith voting NO.

In response to a question, Representative Egolf explained that the chair of the State Ethics Commission is laid out by statute as appointed by the governor.

In response to a question, Mr. Burciaga explained that the law allows members attending out-of-state conferences to be reimbursed for the cost of public transportation and that, while rental cars do not qualify as public transportation, members may be reimbursed for mileage traveled, even in a rental car. He also noted that ride-sharing services, such as Uber or Lyft, can be considered public transportation.

In response to a question regarding failure of a state agency to report back to the legislature as required by law, Mr. Burciaga indicated that he would follow up with the Public Regulation Commission on a report due at the end of July and work with the speaker of the house of representatives and the president pro tempore of the senate on a letter to the Public Regulation Commission, if necessary.

Staff Reports

Mr. Burciaga said that \$880,000 of the \$900,000 settlement of the parking structure lawsuit has been received, with the last \$20,000 expected soon. He noted that multiple subcontractors and insurers had provided the reimbursement.

Mr. Burciaga noted that off-site webcasting had been tested at a recent New Mexico Mortgage Finance Authority Act Oversight Committee meeting and that, while it had gone well, some of the older audio equipment used by the New Mexico Mortgage Finance Authority presented some issues. He said that staff will continue the pilot project at various committee meetings and, if all goes well, will purchase equipment and make off-site webcasting available for all committees as soon as possible.

Mr. Burciaga discussed the possibility of making technical corrections of errors made while enrolling and engrossing legislation. He explained that the enrolled and engrossed version of a bill enacted into law is the best evidence as to its authenticity, and the longstanding and recent New Mexico court cases have upheld the enrolled and engrossed bill doctrine, which states that once a bill is signed by the officers of the house, approved by the governor and chaptered by the secretary of state, no other source or evidence can be used to change it.

Mr. Burciaga also noted that the annual *Highlights* publication had been completed and was being distributed to the council.

There being no further business, the council adjourned at 4:40 p.m.