



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

**June 27, 2022
State Capitol, Room 307**

The four-hundred-seventh meeting of the Legislative Council was called to order by Representative Brian Egolf, co-chair, at 1:36 p.m. on Monday, June 27, 2022, in Room 307 of the State Capitol in Santa Fe.

Present

Rep. Brian Egolf, Co-Chair
Sen. Mimi Stewart, Co-Chair
Sen. Gregory A. Baca
Sen. Craig W. Brandt
Rep. Rebecca Dow
Sen. Katy M. Duhigg
Rep. Daymon Ely
Rep. Doreen Y. Gallegos
Rep. Rod Montoya
Sen. Peter Wirth

Special Advisory Members Present

Rep. Eliseo Lee Alcon
Sen. Pete Campos
Rep. Christine Chandler
Rep. Dayan Hochman-Vigil
Sen. Stuart Ingle
Sen. Michael Padilla
Rep. Andrea Romero
Rep. Patricia Roybal Caballero
Rep. Debra M. Sariñana
Sen. Antoinette Sedillo Lopez
Rep. Christine Trujillo

Guest Legislators

Sen. Joseph Cervantes
Sen. Siah Correa Hemphill

Absent

Sen. Linda M. Lopez
Rep. Patricia A. Lundstrom
Rep. Javier Martínez
Sen. George K. Munoz
Sen. Steven P. Neville
Rep. James G. Townsend

Special Advisory Members Absent

Rep. Gail Chasey
Sen. Ron Griggs
Rep. Georgene Louis
Rep. Antonio Maestas
Sen. Mark Moores
Sen. Benny Shendo, Jr.
Rep. Candie G. Sweetser
Rep. Elizabeth "Liz" Thomson
Sen. Pat Woods

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Amy Chavez-Romero, Assistant Director for Legislative Affairs, LCS
Shawna Casebier, Assistant Director for Drafting Services, LCS
Jeret Fleetwood, Researcher, LCS
Nancy Martinez, Research Assistant, LCS

Approval of Minutes

On a motion made, seconded and passed, the minutes of the April 26, 2022 meeting of the council were approved as submitted.

Out-of-State Travel for Non-Returning Members

Mr. Burciaga explained that a statutory provision prohibits those members who are either not running for reelection, or who did not win during the primary election, from being reimbursed for out-of-state travel, unless otherwise authorized by an affirmative vote of three-fourths of the members of the council.

In response to a question, Mr. Burciaga indicated that the statute was unclear as to whether the requirement was for approval from three-fourths of the members appointed or present at the meeting, but he suggested that three-fourths of the members present would likely be sufficient.

The council discussed various aspects of the statute, including its purpose, benefit and application.

On a motion made and seconded, the council failed to authorize out-of-state travel for non-returning members, with Representatives Dow and Montoya and Senators Baca and Brandt voting "no". The vote on the motion was six in favor and four against, meaning that the required three-fourths' majority was not met.

Staff Reports

Mr. Burciaga explained that Representative Angelica Rubio had requested to be removed as chair of the Transportation Infrastructure Revenue Subcommittee and that Representative Joy Garratt had been appointed by the speaker to serve as chair for the remainder of the interim. He also noted that Representative Rubio would continue to serve on the subcommittee.

Appointments

On a motion made, seconded and passed, the council approved the speaker's reappointment of Sarah Boisvert to the New Mexico Bioscience Authority.

Mr. Burciaga explained that the Opportunity Enterprise Act was passed during the 2022 regular legislative session and signed by the governor. He said that the act requires the council to appoint six members to the Opportunity Enterprise Review Board for staggered terms of six years and that terms could be staggered for less than six years. Mr. Burciaga noted that Senator Stewart nominated Jennifer Garcia Kozlowski and Liana Sanchez; Senator Baca nominated

Victor Mendoza; Representative Egolf nominated Brian Condit and Joe Farr; and that one more nomination was still to be decided.

Mr. Burciaga went on to note that questions still exist about how the council plans to stagger terms for board members. Representative Egolf suggested that two members serve for two years, two others serve for four years and two more serve for six years, with the specific terms to be determined at random by the LCS.

On a motion made, seconded and passed, the council approved the appointments to the Opportunity Enterprise Review Board, with the term lengths to be determined at random by the LCS.

Staff Reports

Mr. Burciaga explained that the following changes had been made to the interim committee calendar distributed to members at interim committee organizational meetings:

- the council meeting scheduled for September 12 had been moved to September 26;
- the Mortgage Finance Authority Act Oversight Committee meeting scheduled for July 18 had been moved to July 29;
- the Tobacco Settlement Revenue Oversight Committee meeting scheduled for July 18 had been moved to August 15, with an additional day, August 16, added to the meeting;
- the Economic Development and Policy Committee meeting scheduled for October 14 had two additional days added and was now scheduled for October 12-14; and
- the Public School Capital Outlay Oversight Task Force meeting scheduled for August 15 had been moved to December 9.

Mr. Burciaga also noted that the ATM located near the east entrance of the State Capitol, which was removed near the end of 2021, would be returned to the same location.

Speaker Egolf congratulated the Legislative Information and Tours staff on their thorough knowledge of the artwork in the State Capitol and for helping tourists visiting the building feel welcome.

Mr. Burciaga introduced Zander Dawson as a new LCS staff attorney and Hunter Thomas as a law school intern.

Interim Committee Work Plans and Budgets

The work plan, meeting schedule and a budget of \$25,401 for voting members and \$18,237 for advisory members for the Investments and Pensions Oversight Committee were approved as submitted.

The committee was also authorized to attend an event sponsored by the State Investment Council and the Public Employees Retirement Board regarding retirement awareness.

The work plan, meeting schedule (including two meetings outside the State Capitol after September 30) and a budget of \$13,030 for voting members and \$16,015 for advisory members for the Mortgage Finance Authority Act Oversight Committee were approved as submitted.

Members of the committee were also authorized to attend the 2022 New Mexico Housing Summit on September 14-16.

The work plan, meeting schedule and a budget of \$98,235 for voting members, \$34,960 for special advisory members and \$20,000 for professional services for the Revenue Stabilization and Tax Policy Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$62,882 for voting members and \$72,856 for advisory members for the Water and Natural Resources Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$25,029 for voting members and \$8,075 for advisory members for the Radioactive and Hazardous Materials Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$26,328 for voting members and \$21,131 for advisory members for the Land Grant Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$42,615 for voting members and \$47,959 for advisory members for the Science, Technology and Telecommunications Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$58,865 for voting members, \$30,778 for advisory members and \$3,500 for expert testimony for the Rural Economic Opportunities Task Force were approved as submitted.

The work plan, meeting schedule (including two meetings outside the State Capitol after September 30) and a budget of \$84,172 for voting members, \$131,810 for advisory members and \$10,000 for expert testimony for the Economic Development and Policy Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$37,398 for voting members and \$22,215 for advisory members for the Transportation Infrastructure Revenue Subcommittee were approved as submitted.

The work plan, meeting schedule and a budget of \$35,788 for voting members and \$4,795 for advisory members for the Public School Capital Outlay Oversight Task Force were approved as submitted.

In response to a question, Senator Stewart indicated that the task force had agreed to look at the use of public school capital outlay funds for school security without local matches or offsets.

The work plan, meeting schedule and a budget of \$23,000 for voting members and \$29,062 for advisory members for the Military and Veterans' Affairs Committee were approved as submitted.

The work plan, meeting schedule (including two meetings outside the State Capitol after September 30) and a budget of \$76,774 for voting members and \$46,086 for advisory members for the Indian Affairs Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$57,973 for voting members and \$62,352 for advisory members for the Courts, Corrections and Justice Committee were approved as submitted.

Senator Stewart noted that the committee proposed that three additional days be added to the committee's work plan to accommodate the work of the Criminal Justice Reform Subcommittee, which had not been reappointed.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$47,038 for voting members and \$120,190 for advisory members for the Legislative Health and Human Services Committee were approved as submitted.

The work plan, meeting schedule (including a meeting outside the State Capitol after September 30) and a budget of \$69,945 for voting members and \$42,150 for advisory members for the New Mexico Finance Authority Oversight Committee were approved as submitted.

The work plan, meeting schedule and a budget of \$7,962 for voting members and \$2,966 for advisory members for the Tobacco Settlement Revenue Oversight Committee were approved as submitted.

The work plan and a budget for total costs of \$7,092 for up to two meetings in Santa Fe for the Capitol Security Subcommittee were approved as submitted.

The work plan and a budget for total costs of \$7,452 for a one-day meeting in Santa Fe for the Interim Legislative Ethics Committee were approved as submitted.

Senator Wirth proposed an exception to the policy requiring members to attend interim committee meetings in person to allow for those members who have tested positive for COVID-19 to attend meetings remotely; provided that they do not receive per diem and mileage reimbursement; meetings are held in the State Capitol; or, if the meetings are not held in the State Capitol, the meeting location has the technological capability to accommodate remote participation, and the vice chair or co-chair of the committee will chair the meeting if the chair is the member who has tested positive.

In response to a question, Mr. Burciaga explained that per diem and mileage reimbursement was only available to those members who appeared in person to participate in interim committee meetings.

The council discussed per diem and mileage reimbursement for those members participating remotely, public participation via video conference and allowing members to participate in meetings remotely without receiving per diem and mileage.

On a motion made, seconded and passed, the council authorized limited remote participation at interim committee meetings for members who have tested positive for COVID-19.

The council discussed potentially holding a meeting of the Capitol Security Subcommittee to discuss potential vulnerabilities involving capitol security.

Adjournment

There being no further business before the council, the meeting adjourned at 2:25 p.m.