



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

**March 25, 2024
State Capitol, Room 307
Santa Fe**

The four-hundred-eighteenth meeting of the Legislative Council was called to order by Representative Javier Martínez, co-chair, on March 25, 2024 at 1:40 p.m. in Room 307 of the State Capitol in Santa Fe.

Present

Rep. Javier Martínez, Co-Chair
Sen. Mimi Stewart, Co-Chair
Rep. Gail Armstrong
Sen. Craig W. Brandt
Rep. Gail Chasey
Sen. Katy M. Duhigg
Rep. Candy Spence Ezzell
Sen. Steven P. Neville
Sen. Michael Padilla
Rep. Andrea Romero
Rep. Patricia Roybal Caballero
Sen. Benny Shendo, Jr.
Sen. Peter Wirth

Special Advisory Members Present

Rep. Christine Chandler
Rep. Joy Garratt
Rep. Susan K. Herrera
Rep. Randall T. Pettigrew
Rep. William "Bill" R. Rehm
Rep. Elizabeth "Liz" Thomson

Absent

Sen. Gregory A. Baca
Rep. Reena Szczepanski
Rep. James G. Townsend

Special Advisory Members Absent

Rep. Eliseo Lee Alcon
Rep. Cathrynn N. Brown
Sen. Pete Campos
Rep. Joanne J. Ferrary
Rep. Doreen Y. Gallegos
Rep. Dayan Hochman-Vigil
Rep. D. Wonda Johnson
Rep. Alan T. Martinez
Rep. Matthew McQueen
Sen. Antoinette Sedillo Lopez
Rep. Nathan P. Small

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Shawna Casebier, Assistant Director for Drafting Services, LCS
Anesa Serna-Espinoza, Assistant Director for Administration, LCS
Erin Bond, Researcher, LCS
Sara Weidmaier, Researcher, LCS
Domenica Nieto, Assistant Librarian, LCS

Approval of Minutes

On a motion made, seconded and approved, the council adopted the minutes of the January 15, 2024 meeting of the council as submitted.

Interim Committees

Representative Martínez and Senator Stewart noted the difficulties interim committees face in establishing a quorum. On a motion made, seconded and approved, the council reappointed the interim committees as appointed in 2023, with the traditional rotation between chair and vice chair, with the following changes:

- Representative Linda Serrato is removed as a member of the Economic and Rural Development and Policy Committee and will serve as a member of the Revenue Stabilization and Tax Policy Committee;
- Senator Greg Nibert will serve as a voting member and Senator Cliff R. Pirtle will serve as an advisory member of the Courts, Corrections and Justice Committee;
- Senators Antonio Maestas, George K. Muñoz and Pirtle will serve as advisory members of the Economic and Rural Development and Policy Committee;
- Senator Linda M. López will serve as a voting member and Senators Bill B. O'Neill, Brenda G. McKenna and William E. Sharer will serve as advisory members of the Indian Affairs Committee;
- Senator Nibert will serve as a voting member of the Investments and Pensions Oversight Committee;
- Senator Shannon D. Pinto will serve as a voting member and Senators Joseph Cervantes, David M. Gallegos and Siah Correa Hemphill will serve as advisory members of the New Mexico Finance Authority Oversight Committee;
- Senator Steven McCutcheon II will serve as a voting member and Senators Pirtle and Jeff Steinborn will serve as advisory members of the Water and Natural Resources Committee;
- Representative Ezzell, by virtue of her role as interim minority leader, and Representative Townsend, current minority whip, will serve as members of the Legislative Council; and
- Senator Nibert replaces Senator Baca as a member of the Uniform Law Commission.

Mr. Burciaga noted that the Legislative Council and the Interim Legislative Ethics Committee have co-chairs by statute and that committees that exist on a biennial chair rotation will maintain their chairs: the Legislative Education Study Committee; the Legislative Finance

Committee; the Investments and Pensions Oversight Committee; the Legislative Health and Human Services Committee; the Military and Veterans' Affairs Committee; the Public School Capital Outlay Oversight Task Force; and the Radioactive and Hazardous Materials Committee. The remaining committees exist on an annual chair rotation: the Courts, Corrections and Justice Committee; the Economic and Rural Development and Policy Committee; the Revenue Stabilization and Tax Policy Committee; the Water and Natural Resources Committee; the Land Grant Committee; the Mortgage Finance Authority Act Oversight Committee; the New Mexico Finance Authority Oversight Committee; and the Science, Technology and Telecommunications Committee.

Non-Returning Members

Mr. Burciaga explained that Section 10-8-5 NMSA 1978 prohibits members who are not running for the seat they currently hold, or who have been defeated in a primary or general election, from being reimbursed for out-of-state travel without approval from a three-fourths' vote of the Legislative Council.

The council discussed reimbursing members who are not returning for the fifty-seventh legislature for out-of-state travel. Mr. Burciaga confirmed that members who are not running for reelection as well as those who lose their primary or general elections would be eligible for reimbursement with a motion and that similar motions are made every election season. Members noted that the statute prohibiting reimbursement for non-returning members may need to be amended.

On a motion made, seconded and approved, the council authorized out-of-state travel for non-returning members.

Space and Furniture Update

Mr. Burciaga discussed preliminary findings of the space and furniture assessment performed by Architectural Research Consultants, Inc. (ARC) and noted that ARC will continue to interview key users, such as chiefs of staff and the chief clerks. Recommendations are expected at the June 24, 2024 meeting of the Legislative Council.

In response to questions from the council, Mr. Burciaga noted that no architectural drawings have been created from the study and any such changes must be approved by the Legislative Facilities Review Subcommittee before drafts are created. Recent changes include leadership and analyst office renovations, audiovisual system upgrades in committee rooms and new heating, ventilation and air conditioning systems, although changes to legislative offices in the Capitol North building were rejected.

Members highlighted the need to include compliance with the federal Americans with Disabilities Act of 1990 in the ARC study.

Classification and Compensation Plan

Mr. Burciaga spoke on proposed changes to the legislative staff classification and compensation plan. He noted that the current plan has lost ground to inflation, is skewed because of the \$15 per hour minimum wage requirement for state employees and is not competitive because of increasing salaries in the executive branch. At the behest of legislative leadership and Mr. Burciaga, Clinton Turner, fiscal and research policy analyst, LCS, presented options for a new plan to legislative managerial staff, who then endorsed a plan that may assist in recruitment and retention.

In response to questions from the council, Mr. Burciaga clarified that compensation ranges would be increased by varying percentages. If adopted, the changes would go into effect immediately, although division heads could implement the plan when budgets allowed; the appropriations in House Bill 1 (2024) were increased with the expectation that compensation would increase in this or the next fiscal year, as budgets permitted.

Council members expressed concern over the cost of living and adequate compensation for staff, and Mr. Burciaga noted that across-the-board raises for all state employees are determined by the finance committees during session. Members cautioned that hiring staff at or above the maximum salary of their classification has harmed and would continue to harm the plan, and Mr. Burciaga recommended that the managerial staff working group establish a policy regarding the salaries of new hires for adoption at the Legislative Council's June meeting.

On a motion made, seconded and approved, the council adopted the staff-recommended classification and compensation plan, with Representatives Ezzell and Romero voting "no".

District Offices

Representative Martínez and Senator Stewart proposed that the chief clerks, the chiefs of staff and the LCS director form a working group to establish policies and guidelines for district offices and staff; the recommendations would then be presented at the next Legislative Council meeting before potential adoption at the June 24, 2024 meeting.

Council members expressed concerns, including the appropriate timetable for hiring staff, the location and model of district offices, the lack of legislators on the working group and the need for and legality of hiring staff.

On a motion made, seconded and approved, the council adopted the membership and task of the working group, with Representatives Armstrong and Ezzell and Senator Neville voting "no".

LCS Director

Representative Martínez called attention to Mr. Burciaga's notice of retirement.

On a motion made, seconded and passed, the council resolved itself into executive session. Upon returning from the executive session, Representative Martínez stated that a hiring

committee composed of the chiefs of staff will create a job listing and review applications for the next LCS director.

Staff Reports

Mr. Burciaga recognized the recent passing of former Representative Jim R. Trujillo and noted his funeral services.

Mr. Burciaga noted that the Uniform Law Commission will host its 2025 conference in Santa Fe and has requested the use of the State Capitol building for a reception.

Other Business

On a motion made, seconded and passed, the council approved five extra meeting days — two in May and three in June — for the Legislative Health and Human Services Committee.

Adjournment

There being no further business before the council, the meeting adjourned at 4:37 p.m.