



**MINUTES
of the
THREE-HUNDRED-EIGHTY-THIRD MEETING
of the
LEGISLATIVE COUNCIL
April 29, 2019
Santa Fe**

The three-hundred-eighty-third meeting of the Legislative Council was called to order on Monday, April 29, 2019, at 1:31 p.m. in Room 307 of the State Capitol by Senator Mary Kay Papen, co-chair.

Present

Rep. Brian Egolf, Co-Chair
Sen. Mary Kay Papen, Co-Chair
Sen. Carlos R. Cisneros
Rep. Candy Spence Ezzell
Rep. Doreen Y. Gallegos
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

Absent

Special Advisory Members Present

Rep. Eliseo Lee Alcon
Rep. Phelps Anderson
Rep. Deborah A. Armstrong
Sen. Pete Campos
Rep. Gail Chasey
Rep. Kelly K. Fajardo
Sen. Ron Griggs
Rep. Dayan Hochman-Vigil
Sen. Daniel A. Ivey-Soto
Rep. Georgene Louis
Rep. Antonio Maestas
Sen. Michael Padilla
Sen. Gabriel Ramos

Special Advisory Members Absent

Rep. Jason C. Harper
Sen. George K. Munoz
Sen. Steven P. Neville
Sen. Cliff R. Pirtle
Rep. Jane E. Powdrell-Culbert
Rep. Patricio Ruiloba

Rep. Patricia Roybal Caballero
Sen. William E. Sharer
Sen. Benny Shendo, Jr.
Sen. Mimi Stewart
Rep. Elizabeth "Liz" Thomson
Rep. Christine Trujillo

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 January 14, 2019 meeting were approved as corrected to reflect Representative Maestas as present.

Introduction of LCS Staff

Mr. Burciaga noted that members had been provided with a booklet, usually issued at new member orientation, identifying LCS staff and their respective roles. He went on to note that there had been some staff turnover, including Kathy Pacheco-Dofflemeyer, assistant director for administration. He also introduced each member of the LCS by position. Senator Papen thanked all of the LCS staff for their hard work, particularly during the past session.

Amendments in Context

Mr. Burciaga explained that, due to an error in the enrolling and engrossing process, language had mistakenly been stricken from the version of 2019 House Bill (HB) 5 that was sent to the governor, signed by the governor and chaptered into law by the secretary of state before the error was detected. He noted that because 2019 Senate Bill (SB) 1, which was also passed by the legislature, signed by the governor and chaptered, did include the language omitted in the house version, the law could be compiled to include the language as intended.

Mr. Burciaga said that there were some options available to help prevent similar errors from occurring in the future. First, additional training could be provided to enrolling and engrossing staff. Additionally, the LCS could review enrolled and engrossed bills, but Mr. Burciaga pointed out that because many bills do not pass until later in the session, many bills are not actually delivered to the governor until well into the governor's three-week signing period laid out in the state constitution. He cautioned that LCS review would likely further delay delivery of bills to the governor. Lastly, the LCS could take over the process, otherwise known as amendments in context (AIC), of continually engrossing bills as they make their way through the legislative process and making the documents available on the legislative website, beginning immediately upon the start of the next legislative session. Mr. Burciaga explained that enrolling

and engrossing staff could then review the existing AIC document against the enrolled and engrossed version as a safeguard before sending the official copy to the governor.

Mr. Burciaga explained that AIC is currently a function performed only by the house chief clerk's office and that while a concurrent resolution had been introduced to transfer the operation to the LCS, it did not pass. He said that discussions with leadership had resulted in the recommendation that the LCS take over the AIC function. He went on to note that while the differences between council directive and House, Senate and Joint Rules allowed for the LCS to assume such a function during the interim, legislation would eventually have to pass in order for the function to reside with the LCS during the session.

Representative Stapleton, the primary sponsor of HB 5, provided some additional background on the issue, suggesting that had SB 1 not passed, the legislature likely would have had to be called into a special session to correct the error. She echoed the recommendation that the AIC function be transferred to the LCS.

The council discussed various aspects of the error, the role of enrolling and engrossing in the overall legislative process and whether any other remedies to the error might exist.

On a motion made, seconded and passed, the council directed the LCS to take over the AIC process, with the understanding that additional legislation will be introduced and passed in order to formally transfer that function from the house chief clerk. The council also directed staff to research remedies to similar issues that have been employed by other states.

Use of State Capitol Chambers

On a motion made, seconded and passed, the council approved the following use of the State Capitol chambers:

- the National Association of Secretaries of State on July 3;
- the Santa Fe Council on International Relations in conjunction with the United States Department of State for a conference on journalism on November 15;
- the Santa Fe Indian School Leadership Institute on June 14; and
- the New Mexico Model United Nations program on a date to be decided.

The council also directed staff to keep the LCS, Legislative Building Services and chief clerks' offices informed of pending meetings and events scheduled for the State Capitol chambers.

Legislative Council Appointments to Boards and Commissions

Representative Egolf announced the appointment of Stuart Bluestone to the State Ethics Commission. Senator Papen announced the appointment of Frances Williams to the State Ethics Commission. Appointments to the State Ethics Commission by House Minority Floor Leader Townsend and Senate Minority Floor Leader Ingle were still pending.

Mr. Burciaga noted that appointments to the New Mexico Bioscience Authority and the Insurance Nominating Commission were still pending.

Interim Committee Appointments

The following appointments were made to interim committees.

Statutory Committees:

Legislative Council: Senator Mary Kay Papen and Representative Brian Egolf will serve as co-chairs. Other voting members are Representatives Candy Spence Ezzell, Doreen Y. Gallegos, Roberto "Bobby" J. Gonzales, Patricia A. Lundstrom, Rod Montoya, Sheryl Williams Stapleton and James G. Townsend and Senators Carlos R. Cisneros, Stuart Ingle, William H. Payne, Clemente Sanchez, John Arthur Smith, James P. White and Peter Wirth. Special advisory members are Representatives Eliseo Lee Alcon, Phelps Anderson, Deborah A. Armstrong, Gail Chasey, Kelly K. Fajardo, Jason C. Harper, Dayan Hochman-Vigil, Georgene Louis, Antonio Maestas, Jane E. Powdrell-Culbert, Patricia Roybal Caballero, Patricio Ruiloba, Elizabeth "Liz" Thomson and Christine Trujillo and Senators Pete Campos, Ron Griggs, Daniel A. Ivey-Soto, George K. Munoz, Steven P. Neville, Michael Padilla, Cliff R. Pirtle, Gabriel Ramos, William E. Sharer, Benny Shendo, Jr. and Mimi Stewart.

Legislative Education Study Committee: Representative Christine Trujillo will serve as chair and Senator Stewart will serve as vice chair. Other voting members are Representatives Alonzo Baldonado, Rebecca Dow, G. Andrés Romero, Stapleton and Linda M. Trujillo and Senators Craig W. Brandt, Candace Gould and William P. Soules. Advisory members are Representatives Fajardo, Natalie Figueroa, David M. Gallegos, Joy Garratt, Susan K. Herrera, D. Wonda Johnson, Raymundo Lara, Tim D. Lewis, Willie D. Madrid, Roybal Caballero, Tomás E. Salazar, Debra M. Sariñana and Thomson and Senators Cisneros, Ivey-Soto, Gay G. Kernan, Linda M. Lopez, Padilla, John Pinto and Ramos.

Legislative Finance Committee: Senator Smith will serve as chair and Representative Lundstrom will serve as vice chair. Other voting members are Representatives Gail Armstrong, Randal S. Crowder, Gonzales, Harper, Javier Martínez, Rodolpho "Rudy" S. Martinez and Candie G. Sweetser and Senators William F. Burt, Campos, Cisneros, Munoz, Neville, Sanchez and White. Designees are Representatives Alcon, Anthony Allison, Anderson, Deborah A. Armstrong, Paul C. Bandy, Cathrynn N. Brown, Jack Chatfield, Dow, Egolf, Fajardo, Doreen Y. Gallegos, Harry Garcia, Herrera, Hochman-Vigil, Johnson, Maestas, Montoya, G. Andrés Romero, Ruiloba, Salazar, Joseph L. Sanchez, Nathan P. Small, Melanie A. Stansbury and Jim R. Trujillo and Senators Brandt, Jacob R. Candelaria, Griggs, Ingle, Kernan, Lopez, Mark Moores, Padilla, Papen, Payne, Sander Rue, John M. Sapien, Sharer, Shendo, Wirth and Pat Woods.

Capitol Buildings Planning Commission: Legislative voting members are Representatives Egolf and Montoya and Senators Ingle and Papen. Public members are Tim

Eichenberg, state treasurer; Stephanie Garcia Richard, commissioner of public lands; Debra Garcia y Griego, secretary, Department of Cultural Affairs; Judith K. Nakamura, chief justice, New Mexico Supreme Court; Ken Ortiz, secretary, General Services Department; Olivia Padilla-Jackson, secretary, Department of Finance and Administration; and Michael Sandoval, secretary, Department of Transportation.

Interim Legislative Ethics Committee: Representative Johnson and Senator Lopez will serve as co-chairs. Other voting members are Representatives Anderson, Gail Armstrong, Fajardo, Joanne J. Ferrary, Javier Martínez, Greg Nibert and Sariñana and Senators Campos, Ingle, Neville, Papen, Payne, Sharer and Wirth.

Legislative Health and Human Services Committee: Senator Gerald Ortiz y Pino will serve as chair and Representative Deborah A. Armstrong will serve as vice chair. Other voting members are Representatives Gail Armstrong, Ferrary and William B. Pratt and Senators Gregg Fulfer, Bill B. O'Neill and Pirtle. Advisory members are Representatives Karen C. Bash, Micaela Lara Cadena, Dow, Doreen Y. Gallegos, Miguel P. Garcia, Johnson, Rodolpho "Rudy" S. Martinez, Roybal Caballero, Gregg Schmedes, Thomson, Christine Trujillo and Linda M. Trujillo and Senators Kernan, Lopez, Padilla, Papen, Nancy Rodriguez, Antoinette Sedillo Lopez, Soules, Elizabeth "Liz" Stefanics and Bill Tallman.

Disabilities Concerns Subcommittee: Representative Ferrary will serve as chair and Senator Rodriguez will serve as vice chair. Other voting members are Representatives Rachel A. Black and Thomson and Senators Lopez and Moores. Advisory members are Representatives Deborah A. Armstrong and Miguel P. Garcia and Senator Stefanics.

Military and Veterans' Affairs Committee: Representative Harry Garcia and Senator Tallman will serve as co-chairs. Other voting members are Representatives Black, Rodolpho "Rudy" S. Martinez and Sariñana and Senators Brandt, Burt and Padilla. Advisory members are Representatives Alcon, Brown, Crowder, Garratt, Powdrell-Culbert and G. Andrés Romero and Senators Cisneros, Richard C. Martinez, Payne and Pinto.

Mortgage Finance Authority Act Oversight Committee: Representative Alcon will serve as chair and Senator Rodriguez will serve as vice chair. Other voting members are Representatives Baldonado, Montoya and Andrea Romero and Senators Gregory A. Baca, Ingle and Padilla. Advisory members are Representatives Black, Fajardo, Gonzales, Louis and Javier Martínez and Senators Martinez, Ortiz y Pino, Rue and Jeff Steinborn.

New Mexico Finance Authority Oversight Committee: Representative Salazar will serve as chair and Senator Candelaria will serve as vice chair. Other voting members are Representatives Baldonado, Cadena, Chatfield, Dow, Harry Garcia, Herrera, Lara, Powdrell-Culbert, Roybal Caballero, Ruiloba and Linda M. Trujillo and Senators Brandt, Joseph Cervantes, Griggs, Martinez, Padilla, Rodriguez and Sharer. Advisory members are

Representatives Fajardo, Figueroa, Doreen Y. Gallegos, Louis, Madrid, Andrea Romero, Stapleton and Sweetser and Senators Papen, Sanchez, Steinborn, Tallman and Woods.

Public School Capital Outlay Oversight Task Force: Legislative voting members are Representatives Alcon, Chatfield, Egolf, David M. Gallegos, Lundstrom and G. Andrés Romero and Senators Brandt, Ingle, Papen, Shendo, Soules and Smith. Advisory members are Representatives Harry Garcia, Johnson, Christine Trujillo and Linda M. Trujillo and Senators Ivey-Soto, Kernan, Munoz, Padilla, Pirtle, Rue, Sharer, Stewart and Woods.

Radioactive and Hazardous Materials Committee: Representative Angelica Rubio will serve as chair and Senator Steinborn will serve as vice chair. Other voting members are Representatives Alcon, Anderson, Brown, Christine Chandler and Sanchez and Senators Cisneros, Griggs, Kernan, Martinez and Rodriguez. Advisory members are Representatives David M. Gallegos, Sariñana and Townsend and Senators Baca, Burt, Fulfer, Payne and Sanchez.

Revenue Stabilization and Tax Policy Committee: Senator Cisneros will serve as chair and Representative Javier Martínez will serve as vice chair. Other voting members are Representatives Doreen Y. Gallegos, Gonzales, Harper, Herrera, Maestas, Montoya, James R.J. Strickler and Jim R. Trujillo and Senators Campos, Kernan, Moores, Munoz, Sanchez, Sharer, Smith and Wirth. Designees are Representatives Abbas Akhil, Alcon, Brown, Cadena, Chandler, Egolf, Lewis, Lundstrom, Andrea Romero, Rubio, Ruiloba, Larry R. Scott, Townsend and Martin R. Zamora and Senators Burt, Candelaria, Rodriguez, Stefanics, Tallman, White and Woods.

Tobacco Settlement Revenue Oversight Committee: Senator Ramos and Representative Thomson will serve as co-chairs. Other voting members are Representative Ferrary and Senators Gould and Smith. Advisory members are Representatives Chasey and Jim R. Trujillo and Senators Lopez, Papen and Rue.

Commission on Uniform State Laws: Legislative members are Representatives Hochman-Vigil and Nibert and Senators Cervantes and Payne. Public members are Jack Burton, Philip Larragoite, Raymond G. Sanchez and Paula Tackett.

Educational Commission of the States: Legislative members are Representative G. Andrés Romero and Senator Soules.

Council-Created Committees:

Courts, Corrections and Justice Committee: Representative Chasey and Senator Martinez will serve as co-chairs. Other voting members are Representatives Alcon, Deborah A. Armstrong, Bash, Zachary J. Cook, Hochman-Vigil, Maestas and William "Bill" R. Rehm and Senators Baca, Candelaria, Lopez, Rue and Sedillo Lopez. Advisory members are Representatives Egolf, Doreen Y. Gallegos, Louis, Pratt, Andrea Romero, Roybal Caballero and Christine Trujillo and Senators Burt, Ivey-Soto, O'Neill, Payne, Stewart and Wirth.

Economic and Rural Development Committee: Senator Shendo will serve as chair and Representative Maestas will serve as vice chair. Other voting members are Representatives Akhil, Baldonado, Fajardo, Louis, Madrid and Roybal Caballero and Senators Brandt, Candelaria, Griggs, Martinez, Padilla, Pinto and Woods. Advisory members are Representatives Alcon, Gail Armstrong, Cadena, Dow, David M. Gallegos, Doreen Y. Gallegos, Herrera, Hochman-Vigil, Johnson, Lewis, Lundstrom, Matthew McQueen, Montoya, Rehm, Andrea Romero, Rubio, Ruiloba, Salazar, Small, Stansbury, Linda M. Trujillo and Zamora and Senators Burt, Moores, Papen, Sharer, Stefanics and Tallman.

Indian Affairs Committee: Representative Louis and Senator Pinto will serve as co-chairs. Other voting members are Representatives Alcon, Allison, Cook, Fajardo, Johnson, Derrick J. Lente and Zamora and Senators Martinez, Moores, Pirtle, Rodriguez, Sharer, Shendo and Soules. Advisory members are Representatives Akhil, Chasey, Doreen Y. Gallegos, Harry Garcia, Lundstrom, Roybal Caballero, Stansbury and Linda M. Trujillo and Senators Cisneros, Ingle, Munoz, Ramos and Sanchez.

Investments and Pensions Oversight Committee: Senator Munoz will serve as chair and Representative Roybal Caballero will serve as vice chair. Other voting members are Representatives Figueroa, Miguel P. Garcia, Rehm, Salazar and Townsend and Senators Candelaria, Fulfer, Kernan, Neville, Sapien and Stefanics. Advisory members are Representatives Anderson, Gonzales and Stapleton and Senators Burt, Cisneros, Ingle, Papen, Payne and White.

Land Grant Committee: Representative Miguel P. Garcia will serve as chair and Senator Stefanics will serve as vice chair. Other voting members are Representatives Black, David M. Gallegos, Herrera, McQueen, Salazar and Christine Trujillo and Senators Baca, Lopez, Martinez, O'Neill, Pirtle and Rue. Advisory members are Representatives Alcon, Chandler, Harry Garcia, Johnson, Lundstrom and Sariñana and Senators Cisneros, Ingle, Kernan and White.

Science, Technology and Telecommunications Committee: Representative Sariñana will serve as chair and Senator Padilla will serve as vice chair. Other voting members are Representatives Daymon Ely, Fajardo, Harper, Stansbury and Linda M. Trujillo and Senators Burt, Moores, O'Neill and Soules. Advisory members are Representatives Chandler and Sanchez and Senators Brandt, Candelaria, Cisneros, Griggs, Martinez, Papen, Payne, Rodriguez, Tallman and Wirth.

Water and Natural Resources Committee: Senator Cervantes will serve as chair and Representatives Lente and McQueen will serve as co-vice chairs. Other voting members are Representatives Akhil, Gail Armstrong, Bandy, Chandler, Ferrary, Rubio, Scott, Small, Stansbury, Strickler and Sweetser and Senators Brandt, Rue, Shendo, Steinborn, Stewart and Woods. Advisory members are Representatives Allison, Chatfield, Crowder, Ezzell, Herrera, Lewis, Javier Martínez, Rodolpho "Rudy" S. Martinez, Nibert, Powdrell-Culbert, Rehm, G. Andrés Romero, Roybal Caballero, Salazar, Sariñana, Sedillo Lopez and Townsend and Senators

Campos, Cisneros, Fulfer, Griggs, Ingle, Kernan, Lopez, Neville, Ortiz y Pino, Papen, Rodriguez, Sharer, Smith and Wirth.

Transportation Infrastructure Revenue Subcommittee: Senator Smith will serve as chair and Representative Ruiloba will serve as vice chair. Other voting members are Representatives Allison, Crowder, David M. Gallegos, Garratt, Gonzales, Lundstrom and Powdrell-Culbert and Senators Griggs, Sanchez and Woods. Advisory members are Representatives Baldonado, Black, Fajardo, Harry Garcia, Herrera, Hochman-Vigil, Madrid, Maestas, Rodolpho "Rudy" S. Martinez and Rubio and Senators Cisneros, Ingle and Payne.

Behavioral Health Subcommittee: Representative Roybal Caballero will serve as chair and Senator O'Neill will serve as vice chair. Members are Representatives Anderson, Dow, Doreen Y. Gallegos, Andrea Romero and Christine Trujillo and Senator Padilla. Advisory members are Representatives Deborah A. Armstrong, Bash, Cook and Hochman-Vigil and Senators Ortiz y Pino and Papen.

Criminal Justice Reform Subcommittee: Representative Maestas and Senator Rue will serve as co-chairs. Members are Representatives Baldonado, Chasey and Cook and Senators Baca, Martinez and Sedillo Lopez.

The council authorized the speaker and president pro tempore to make any other necessary changes to interim committees. Changes made after this meeting but before publication of interim committee information in other formats are reflected in these minutes.

Off-Site Interim Committee Webcasting — Pilot Project

Mr. Burciaga explained that, in order to webcast interim committee meetings held outside of the State Capitol, additional equipment and resources would likely need to be secured. He said that, before securing the kind of equipment suitable for webcasting and archiving such interim committee meetings, it might make sense to start with a pilot project.

On a motion made, seconded and passed, the council authorized the LCS to begin a pilot project to webcast and archive off-site interim committee meetings.

Position Classification and Salary Range Study

Mr. Burciaga noted that the original position classification and salary range study was conducted almost 20 years ago. He said that the National Conference of State Legislatures (NCSL) provided a preliminary proposal to update the study, which would include all full-time and session staff. Mr. Burciaga said that the study could begin in May and be completed in September. He also noted that while the overall cost was estimated at \$70,000, NCSL was requesting \$35,000. He recommended that the study be paid out of interim expenses, as that budget had been increased in this year's feed bill (HB 1).

On a motion made, seconded and passed, the council approved updating the position classification and salary range study.

LCS, House and Senate Fiscal Year (FY) 2020 Budgets

Mr. Burciaga provided the council with copies of the FY 2020 budgets for the LCS, house chief clerk's office and senate chief clerk's office as appropriated. He explained that while the amounts are identical to those contained in the feed bill and the General Appropriation Act of 2019, approved budgets are still required to be submitted to the Department of Finance and Administration.

On a motion made, seconded and unanimously approved, the budgets for the LCS, house chief clerk's office and senate chief clerk's office were approved as submitted.

Staff Reports

Mr. Burciaga said that the lawsuit regarding the sinking perimeter of the State Capitol parking structure had been settled for \$900,000 out of total remediation expenses and legal costs of \$1.2 million.

Mr. Burciaga informed the council that the mechanism that cools air as part of the State Capitol's heating, ventilation and air conditioning system requires replacement, which could take up to two weeks, and was being tentatively scheduled for September or October.

The council directed staff to study better regulation of the temperature throughout the State Capitol, as committee rooms were often too hot or too cold.

Mr. Burciaga said that a review of and potential update to the Legislative Council policies would be provided to the council at a later meeting.

Mr. Burciaga explained that, pursuant to SB 261 (2019), publication of the New Mexico Statutes Annotated 1978, and future updates, would be provided online for free. The red binders currently associated with the statutes would be discontinued but replaced in their entirety with a soft-bound multi-volume set available for sale by a contractor with the New Mexico Compilation Commission.

Mr. Burciaga noted that the next meeting of the council was scheduled for June 24 and that staff would present interim committee work plans, meeting schedules and budgets at the meeting.

There being no further business, the council adjourned at 3:04 p.m.