



**MINUTES
of the
FOUR-HUNDRED-TWENTY-THIRD MEETING
of the
LEGISLATIVE COUNCIL**

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

The four-hundred-twenty-third meeting of the Legislative Council was called to order by Senator Mimi Stewart, co-chair, on October 25, 2024, at 9:35 a.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. Alan T. Martinez
Rep. Rod Montoya
Sen. Michael Padilla
Rep. Andrea Romero
Sen. Benny Shendo, Jr.
Rep. Reena Szczepanski
Sen. Peter Wirth
Sen. Pat Woods

Special Advisory Members Present

Sen. Pete Campos

Absent

Sen. Gregory A. Baca
Rep. Patricia Roybal Caballero

Special Advisory Members Absent

Rep. Eliseo Lee Alcon
Rep. Cathrynn N. Brown
Rep. Christine Chandler
Rep. Joanne J. Ferrary
Rep. Doreen Y. Gallegos
Rep. Joy Garratt
Rep. Susan K. Herrera
Rep. Dayan Hochman-Vigil
Rep. D. Wonda Johnson
Rep. Matthew McQueen
Rep. Randall T. Pettigrew
Rep. William "Bill" R. Rehm
Sen. Antoinette Sedillo Lopez
Rep. Nathan P. Small
Rep. Elizabeth "Liz" Thomson

Staff

Shawna Casebier, Director, Legislative Council Service (LCS)
Randall Cherry, Assistant Director for Legislative Affairs, LCS
Anesa Serna-Espinoza, Assistant Director for Administration, LCS
Jeret Fleetwood, Project Coordinator, LCS
Sara Wiedmaier, Researcher, LCS
Domenica Nieto, Research Assistant, LCS

Welcome and Introductions

Senator Stewart welcomed the council, and members introduced themselves.

Approval of Agenda and Minutes

On a motion made and passed, the council approved the meeting's agenda.

On a motion made and approved, the council adopted the minutes of the September 16, 2024 meeting as submitted.

Per Diem Approvals

Senator Stewart explained that new member orientation will be held December 2-4, 2024 and that council approval is required for newly elected legislators to receive per diem at the public rate for their attendance. She noted that council approval is also required for current legislators who have been asked to assist with the orientation to receive per diem.

Senator Stewart stated that the Tobacco Settlement Revenue Oversight Committee was scheduled to meet on October 16, 2024 in Las Cruces but was forced to cancel the meeting due to an inability of the committee to establish a quorum or a subcommittee; subsequently, a request was made for the council to approve per diem and mileage reimbursement for the two members who attended the meeting.

On a motion made and passed, the council approved per diem reimbursement for new member orientation participants and per diem and mileage reimbursement for the Tobacco Settlement Revenue Oversight Committee members.

Representative Chasey stated that the Council of State Governments New Mexico Youth Justice and Adolescent Services Listening Tour would be at the State Capitol on November 19, 2024 and requested council approval for interested legislators to receive per diem reimbursement to attend. Senator Stewart stated that, per council policy, legislators are eligible for per diem reimbursement at three meetings of public policy organizations of which New Mexico is a dues-paying member.

District Legislative Offices and Staff Policy Proposals

Senator Stewart noted that the district office working group, consisting of the six chiefs of staff, the chief clerks and the LCS director, continues to review policies for legislative district offices and asked Ms. Casebier to describe the changes proposed by the working group.

Ms. Casebier discussed the creation of the district office working group and Legislative Council Policy Number 27 — Legislative District Offices. She noted that the implementation of the policy has necessitated that the working group review and recommend changes to the policy, although the group does not intend to bring additional policy revision recommendations back to the council until after the 2025 legislative session. Ms. Casebier explained the proposed revisions, including:

- setting the official title: the district legislative aide (DLA);
- clarifying that DLAs and district office liaisons are not to work as session staff;
- establishing that district office locations may be proposed by a legislator but are approved by the district office liaison and the LCS, with the lease being signed by the LCS director on behalf of the Legislative Council;
- waiting until the new fiscal year to enter into market-rate leases for district offices;
- explaining that legislators must obtain office supplies, furniture, equipment and signage through requests to the appropriate district office liaison or the LCS director and that legislators will not be reimbursed by the LCS for purchases made with private or campaign funds;
- determining that a DLA's leave requests are submitted to and approved by the appropriate district office liaison in consultation with the DLA's legislator;
- establishing that in-state work travel is allowed after July 1, 2025, after an equitable method of creating travel budgets is established; and
- moving the prohibition on electioneering while working from the policy to proposed updates to the Legislative Staff Code of Conduct.

Members of the council expressed concern that the policy change relating to leases may interfere with lease agreements made under the previous policy, impair a district office's ability to rent in communities that suffer from office space shortages or result in district office aides without a workplace. Ms. Casebier stated that the proposed changes are the result of the district office working group's task of balancing 112 budgets and in consideration of unknown total outlays needed for district offices. She informed the council that there are two private office space arrangements finalized — one at no cost and one at low cost — and a council member recommended using a case-by-case basis to determine whether leases for shared offices are at below-market rates.

In response to a question from a council member, Ms. Casebier explained that district offices are state agency offices and are thus subject to the Procurement Code and legislative budgets when obtaining office supplies. However, as stated in the proposed Subsection N of the council policy, a legislator is not required to establish a district office.

Council members spoke in favor of low-cost or free office spaces and advised legislators to vote in favor of adequately funding the district offices during session.

A member proposed that DLAs could take unpaid leave to be hired as session staff, citing a desire for continuity in staffing while also lightening the administrative burden that would be

created in terminating a DLA and hiring the individual as session staff. Ms. Casebier stated that while the administrative burden was considered, the district office working group's proposal was primarily based on the distinct duties of the two jobs and that one individual cannot perform the duties of both jobs at once. Members discussed how hiring DLAs as session staff might impact office space in the building and that districts would then have no aide working during session.

A member expressed concern that the cost of commuting in large districts may prove onerous and hoped that the district office working group would take that under advisement when establishing a formula for travel.

On a motion made and passed, the council adopted the proposed changes with the understanding that the LCS would consider any proposed lease agreements on a case-by-case basis between now and July 1, 2025 to determine whether the lease is acceptably below-market rate, with Representative Alan T. Martinez voting "no". The adopted policy can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=ALC&Date=10/25/2024&ItemNumber=4>.

Code of Conduct Proposals

Ms. Casebier reviewed proposed changes to the New Mexico Legislative Staff Code of Conduct. She explained that the Code of Conduct applies to all legislative employees, and the revisions were approved by the district office working group, the acting director of the Legislative Education Study Committee and the director of the Legislative Finance Committee. The changes include:

- clarifying the restrictions on holding political office or being an officer in a political organization;
- establishing that legislative employees who become candidates for either partisan or nonpartisan office take a leave of absence during the campaign;
- prohibiting electioneering and political activity while on duty;
- excluding leadership office staff and district legislative aides from prohibitions on electioneering and political activity while off duty; and
- directing employees who are unsure if a particular activity is prohibited to speak to their director or chief clerk.

Members of the council expressed concern that the proposed revisions were unclear on the prohibitions for electioneering while an employee is on duty and discussed possible amendments. Senator Stewart stated that the staff working group would review the council's comments and have an updated version for the December 4, 2024 meeting. Ms. Casebier noted that the prohibition on electioneering was struck from the legislative district offices policy in the previous motion, and Senator Stewart proposed adopting the current revisions to the Code of Conduct and directing the working group to submit further clarifications at the December 4, 2024 meeting.

On a motion made and passed, the council approved the revisions to the New Mexico Legislative Staff Code of Conduct, with the provision that the working group would provide more revisions at the December 4, 2024 meeting to address electioneering prohibitions. The adopted policy can be found here:

<https://www.nmlegis.gov/handouts/ALC%20102524%20Item%205%20Proposed%20Code%20of%20Conduct%20.pdf>.

Staff Reports

Ms. Casebier introduced Ian Keller, a recently hired staff attorney with the LCS, to the council.

Ms. Casebier discussed the status of several projects in the State Capitol building, including updates to the heating and cooling system, adjustments to audio-visual equipment in committee rooms, the remodeling of LCS office space and changes to the information kiosks by the elevators and in the ground floor lobbies.

Ms. Casebier stated that the next Legislative Council meeting is scheduled for the morning of December 4, 2024.

Adjournment

There being no further business before the council, the meeting adjourned at 11:12 a.m.