



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

**January 20, 2025
State Capitol, Room 307
Santa Fe**

The four-hundred-twenty-fifth meeting of the Legislative Council was called to order by Senator Mimi Stewart, co-chair, on January 20, 2025 at 1:14 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
Sen. Katy Duhigg
Rep. Alan T. Martinez
Rep. Patricia Roybal Caballero
Sen. William E. Sharer
Rep. Reena Szczepanski
Sen. Peter Wirth
Sen. Pat Woods

Special Advisory Members Present

Sen. Pete Campos
Rep. Dayan Hochman-Vigil
Sen. Antoinette Sedillo Lopez

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

Absent

Rep. Gail Chasey
Rep. Rod Montoya
Sen. Michael Padilla
Rep. Andrea Romero
Sen. Benny Shendo, Jr.

Special Advisory Members Absent

Rep. Cathrynn N. Brown
Rep. Christine Chandler
Rep. Joanne J. Ferrary
Rep. Doreen Y. Gallegos
Rep. Joy Garratt
Rep. Susan K. Herrera
Rep. D. Wonda Johnson
Rep. Matthew McQueen
Rep. Randall T. Pettigrew
Rep. William "Bill" R. Rehm
Rep. Nathan P. Small
Rep. Elizabeth "Liz" Thomson

Erin Bond, Researcher, LCS
Sara Wiedmaier, Researcher, LCS
Domenica Nieto, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

Welcome and Introductions

Senator Stewart welcomed the council, and members introduced themselves.

Approval of Minutes

On a motion made and approved, the council adopted the minutes of the December 4, 2024 meeting as submitted.

Capitol Security

Ms. Casebier informed the council that the New Mexico State Police (NMSP) share jurisdiction of the State Capitol with capitol security during session, and thus a representative from the NMSP traditionally provides an update on an upcoming session's security detail.

Alex Rodriguez, major, NMSP Division, Department of Public Safety, explained that the NMSP's budget for the 2025 regular legislative session is \$489,320.63 and includes a lieutenant, four sergeants and 36 officers. Major Rodriguez noted that the NMSP splits the session into two 30-day rotations with 18 officers and two sergeants; during their assigned month, the units do not return to their home districts. The budget also includes bomb and bug sweeps performed by the Special Operations Bureau of the NMSP.

Representative Martínez and Senator Stewart thanked the NMSP for their presence and work during legislative sessions.

In response to a question from Senator Stewart, Major Rodriguez explained that the police dormitory at headquarters currently houses recruits and does not have enough space for officers; thus, officers working the session are provided per diem for housing.

Code of Conduct

Ms. Casebier explained that, in response to concerns raised at the previous Legislative Council meeting, the district office working group reviewed whether legislative employees may run for or hold political office. She stated that a majority of the working group supported a proposed policy requiring legislative staffers who run for office to resign from their legislative employment; seven members of the working group were in favor, and two were in opposition.

Ms. Casebier explained the proposed changes to the New Mexico Legislative Staff Code of Conduct, which include prohibiting legislative employees from holding political office while employed and requiring legislative employees who become candidates for political office to resign.

Senator Stewart invited members of the working group to discuss the revisions. Sanders Moore, chief of staff for Senator Stewart; Dennis Roch, chief of staff for Senator Sharer; and Ryan Hedin, chief of staff for Representative Armstrong, provided reasoning for the revisions, including that the only long-term paid leave in the legislature's leave policy is for parental leave; that the addition of paid leave for campaign work would open the policy in an unprecedented fashion; and that the presence or appearance of undue influence by legislative employees who might be involved in both campaigning and legislative work would harm the institution. Ms. Casebier added that one significant concern regarding an employee taking leave to campaign for public office is that an employee's job duties would go unfulfilled but the employee's supervisor may not be able to hire a replacement due to hiring and budget constraints.

Council members discussed how the proposed changes might impact rural communities and tribal governments. Ms. Casebier explained that the proposed revisions would prohibit an employee from holding any elected office, including nonpartisan offices in political subdivisions, local governments and tribal governments, as well as party officer positions such as ward chair or treasurer. Some members expressed concern that rural communities may lack the population base to fill political offices without legislative employees, while other members stated that rural and tribal communities solicit the legislature and could still create conflicts of interest for employees.

Members discussed other possible implications of adopting or rejecting the policy, including:

- stronger restrictions on legislative staff than on legislators;
- employees preparing for candidacy before the official announcement;
- the discretion of supervisors to approve leave and recruit employees; and
- the appearance of insider advocacy and legislative endorsement of candidates or policies.

A member questioned why the changes did not include appointments to political office, and Ms. Casebier stated that the sections are specific to campaigning.

In response to a question from the council, Ms. Casebier explained that the proposed revisions resemble some other states' legislative employee policies but would cause the policy to differ from the policy governing executive state employees. The policy proposed at the previous Legislative Council meeting matched the state's Personnel Act, and some of that language was removed in this version of the policy change.

A motion to send the proposed policy back to the district office working group and postpone adoption until after the legislative session was made and failed, with Representatives Armstrong and Martinez and Senators Brandt, Sharer, Wirth, Woods and Stewart voting no.

On a motion made and approved, the council adopted the proposed changes to the New Mexico Legislative Staff Code of Conduct, with Representatives Roybal Caballero, Szczepanski and Martínez voting no. The adopted policy can be found here:

<https://www.nmlegis.gov/handouts/ALC%20012025%20Item%204%20229013%20Code%20of%20Conduct.pdf>.

Staff Reports

Ms. Casebier informed the council that 59 district legislative aides have been hired thus far and that closed captioning services will be provided in the house and senate chambers during floor sessions.

Ms. Casebier discussed the relocation of the lactation room, which was moved to the fourth floor shower room. She stated that the room is behind a locked door, but a sign on the door directs any user to the LCS reception desk. Capitol security, Legislative Building Services and several LCS staff members also have keys and are ready to provide access.

Ms. Casebier reminded the council that the anti-harassment and federal Americans with Disabilities Act of 1990 (ADA) trainings for legislators would be held immediately after the council meeting. Ms. Casebier also offered condolences to the friends and family of former Representative Eliseo Lee Alcon and noted that a memorial service would follow the training sessions.

In response to questions from the council, Ms. Casebier stated that a previously discussed location for the lactation room proved too small to comply with ADA requirements, while the shower room provides more accommodations for users. She stated that the prior lactation room on the second floor was also behind a locked door and required staff to unlock it. She explained that nursing pods were considered in lieu of a lactation room, but that proposal was ultimately rejected due to a lack of adequate space and utilities. Ms. Casebier clarified that the shower and lactation room is not in the fourth floor restroom and explained that it does not have an automatic door opener because it is a secured-access area.

Adjournment

There being no further business before the council, the meeting adjourned at 2:08 p.m.