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**LOGISTICS
FOR THE
FIFTY-FIFTH LEGISLATURE,
FIRST SESSION,
TO BE CONVENED ON
JANUARY 19, 2021**

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Draft Report - November 6, 2020

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INTRODUCTION

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The Constitution of New Mexico states that "[a]ll sessions of each house shall be public" (Article 4, Section 12) and the "legislature ... shall hold its session at the seat of government" (Santa Fe) (Article 4, Section 1).

In the early 1990s, the State Capitol was being renovated and the Legislature conducted four legislative sessions – one 30-day, one 60-day and two special sessions over about two years. The sessions were held in the (old) PERA building and the State Land Office building. In June of this year, the State Capitol was closed to the public during a special session (First Special Session, 54th Legislature) convened during the COVID-19 pandemic. The New Mexico Supreme Court upheld the New Mexico Legislative Council's decision to close the State Capitol to the public due to the pandemic while ensuring that all proceedings were made available to the public electronically. During session, each house is responsible for its respective chamber, committee rooms, legislator offices, staff offices and lounges, while the Legislative Council Service (LCS), under the direction of the New Mexico Legislative Council, is responsible for the public areas of the State Capitol that are not otherwise designated as House or Senate space.

The COVID-19 pandemic will still be a factor when New Mexico's 55th Legislature is scheduled to convene at noon on Tuesday, January 19, 2021. The Legislature will need to take the appropriate public health measures to protect legislators, legislative staff and the public from the spread of COVID-19 before, during and after session. All state legislatures and the U.S. Congress have taken and will continue taking similar measures for their regular, special and ongoing legislative sessions until the public is safe from the pandemic.

This report summarizes numerous issues for the New Mexico Legislative Council to consider as it prepares for next year's regular session. Issues specific to legislators will be the responsibility of the House of Representatives and the Senate through rules, leadership or committee chairs, respectively. Issues specific to most legislative staff will be the responsibility of the chief clerk of the House of Representatives, the chief clerk of the Senate and the directors of the LCS, Legislative Education Study Committee (LESC) and Legislative Finance Committee (LFC). Issues specific to the public will be the responsibility of both the legislators and legislative staff, depending on the locations and circumstances of where and how the public may participate in the legislative process.

The issues are generally addressed in the following categories and there is overlap among several of the categories:

1. State Capitol access – floor sessions and standing committee hearings
2. Legislators
3. Year-round and session-only staff
4. Facility preparations, space and access
5. Media
6. Public health initiatives (testing, tracing, temperature checks, masks, social distancing)
7. Security and State Police
8. Meals and beverages
9. Document handling and distribution
10. Legislative Information Systems (LIS - Information Technology (IT))
11. House, Senate and Joint Rules
12. Funding

Although an effort has been made to consider and address as many processes, procedures and obstacles as possible, this is not an exhaustive list of every conceivable issue that may arise. The issues addressed below include legislative staff's findings, recommendations and options.

1. State Capitol access – floor sessions and standing committee hearings

Whether to open the State Capitol to the public during the 2021 regular session is the decision of the New Mexico Legislative Council. The upcoming session is open for all legislative purposes and is expected to last 60 days as allowed by the Constitution of New Mexico. The physical layout and design of the State Capitol present serious challenges to implementing COVID-safe practices, such as social distancing. It would be difficult, if not impossible, to open the State Capitol to the public while maintaining social distancing and other public health protocols over those two months. The committee rooms where the public has an opportunity to provide comment on legislation being considered would only be able to accommodate a fraction of the capacity normally accommodated. For example, under normal circumstances, Room 322 (Senate Finance Committee) can accommodate 12 legislators, five to seven committee staff and 189 members of the public and Room 307 (House Appropriations and Finance Committee) can accommodate 17 legislators, eight committee staff and 211 members of the public, not counting year-round and session-only staff who normally attend those meetings. To ensure social distancing measures, the capacities of Rooms 322 and 307 would be reduced to between 15% and 20% of what is normally accommodated, and some committee members would

need to be seated at tables or in the audience seats. The other committee rooms present even more limitations. Using larger committee rooms for some of the smaller committees would not be possible due to the number of committees that meet at the same time. There are currently eight Senate committees and 13 House committees, not including procedural committees (see Attachment A). Additionally, because space for the public would be greatly reduced within the committee rooms, hallways would become overcrowded and present a health and safety risk.

We have heard from a number of legislators who feel very strongly that it is important that members of the public be provided an opportunity to participate in the legislative process. Public participation generally takes the form of meeting with legislators and staff and providing public comment in standing committee hearings.

Therefore, we are providing an option that would maintain social distancing measures, continue floor sessions in the respective chambers and hold standing committee hearings at their usual times with some public attendance and participation. The options include the following:

- hold all standing committee hearings at the Santa Fe Community Convention Center (SFCCC) where meeting rooms can accommodate up to seven committees at one time while still ensuring social distancing guidelines (see Attachment B);
- allow in the State Capitol only the legislators, legislative staff, State Capitol tenants and credentialed media;
- close the State Capitol to the general public;
- hold the House and Senate floor sessions in their respective chambers and continue live webcasting of floor proceedings (there is no public comment during floor sessions);
- allow members of the public to participate during the public comment portion of committee hearings via remote access (Zoom video conference) as attendees; and
- allow a limited number of members of the public to attend the committee hearings in person at the SFCCC.

All floor sessions and committee hearings could be conducted with members in-person, virtually attending or both (hybrid) while continuing the webcasts for the public wanting to observe the proceedings remotely.

Other state buildings were considered for off-site use (the Bataan, State Land Office, Apodaca and PERA buildings), but none provide the size and network infrastructure that the State Legislature needs. A tour of the SFCCC and preliminary discussion with SFCCC officials confirmed that there is sufficient space for committee hearings, public attendance and staff as well as a network link between the State Capitol and the SFCCC.

Cost

The regular cost for using the SFCCC would run approximately \$750,000-\$800,000 for 60 days, not including days before and after session. However, we have been advised that the City of Santa Fe would rent the SFCCC to the Legislature for that period of time for \$250,000. There would be an additional cost of \$20,000 for 150 reserved parking spaces. Overtime of city personnel is not included but can be estimated based on session staff experience at the State Capitol. The City of Santa Fe may be able to make some enhancements of the SFCCC to accommodate some of the New Mexico Legislature's needs with federal CARES Act funding, but at least 45 days' lead time is needed for receipt of equipment, hardware and software by December 30. (There was consideration of using a shuttle service to transport legislators and staff to-from the SFCCC, but the close proximity of people in a van or bus makes social distancing difficult and limits the ability of legislators and staff to go back and forth between the two buildings. Parking is a more viable option.)

Suspension of certain services, exhibits and vendors

A recommendation is made to suspend:

- massage therapy, naturopathic or chiropractic services;
- vendors selling food or crafts;
- events, exhibits and activities in the Rotunda;
- protests inside the State Capitol;
- tours of the State Capitol by House or Senate staff;
- tours of the State Capitol for students from schools around the state;
- traditional House kitchen food service;
- buffet-style meals served for committees or floor sessions;
- House and Senate page programs; and
- the social calendar.

2. Legislators

Various issues will have to be addressed by New Mexico Legislative Council, legislative leadership or respective caucuses (see also House and Senate Rules).

Legislator meetings

Legislators could make arrangements to meet with only certain individuals in the State

Capitol, but only by appointment, which would include:

- the governor or Governor's Office staff;
- state agency staff;
- legislative staff;
- expert witnesses; and
- media.

Legislators could meet at the SFCCC in designated areas or rooms, also by appointment, with members of the public, including lobbyists.

Orientation

For newly elected members, a recommendation is made that orientation be conducted as follows:

- one virtual, general introduction (one to two hours) in late November or early December;
- virtual or hybrid training December 15-16 (three hours each morning and afternoon); and
- virtual or hybrid ongoing orientation/early morning briefings in January and February.

Ethics

Ethics training for current and newly elected members could be conducted by virtual or hybrid means on December 14, before or after the New Mexico Legislative Council meeting.

Offices

Each senator has his/her own office. However, 48 House members share 24 offices. Some accommodations may have to be made for some House members.

Off-site events

A recommendation is made that off-site events (mass gatherings) be eliminated or significantly reduced.

Guests and families

For the safety of members and staff, it is recommended that guests, family members, interns/shadows and pages not be allowed in the State Capitol, including the House and Senate chambers. The House and Senate will have to make that decision via their respective rules or by

joint rule. (Legislative staff offices will be limited to legislators and staff only.)

3. Year-round and session-only staff

Staffing on- and off-site

Each hiring entity will provide the number of staff working on-site, off-site or both.

- LCS;
- LESC;
- LFC;
- House Chief Clerk's Office;
- Senate Chief Clerk's Office;
- Office of the Speaker of the House of Representatives;
- Office of the Senate President Pro Tempore;
- House Majority Office;
- House Minority Office;
- Senate Majority Office; and
- Senate Minority Office.

Each hiring entity will identify any increase or decrease in the number of staff hired from the previous 60- and 30-day sessions, including sharing of staff, requiring staff to work on-site or off-site and other accommodations. LIS resources for staff working off-site will be addressed in the LIS section below.

Options offered for limiting the number of staff on-site include:

- having most analysts work off-site, with the possible exception of lead analysts;
- having committee staff work at the SFCCC (if that option is accepted);
- having some legislators share secretarial support; and
- having a smaller number of custodial staff if the building is closed to the public and committees are held off-site.

General staff guidelines (recommendations)

Eliminate the use of time clocks to avoid crowding and ensure social distancing and replace with electronic sign-in. However, accommodations will have to be made for staff not using a computer. Any interviews for session staff should be conducted by video conference. Require staff to wear badges, particularly since staff will be wearing masks.

Anti-harassment training for staff and legislators (recommendations)

Require anti-harassment training only for:

- staff that did not work in or receive training for the 2020 regular session; and
- legislators that were not in office during the 2020 regular session.

The Anti-Harassment Policy requires four hours of training every two years, which has been accomplished by two-hour training sessions every year. The other two-hour training can be conducted later in 2021 for legislators and staff that received training in early 2020. All legislators and staff would be required to sign and acknowledge that they have received and read the Anti-Harassment Policy in 2020 or 2021.

4. Facility preparations, space and access

Plexiglass

Plexiglass is recommended in locations where a person comes into frequent contact with other people, e.g., receptionist, secretary, counter assistance, mailroom. Plexiglass has been suggested for legislators in the back two rows of the House chambers where chairs are not at least six feet apart and also for multiple staff in one room. However, plexiglass may provide a false sense of security, particularly if the individuals can easily move and talk around the plexiglass. Short of being enclosed by plexiglass, an airborne virus can easily be spread through movement, talking, sneezing, coughing and the like. Nonetheless, plexiglass will be ordered and placed where appropriate.

Heating, ventilation and air conditioning (HVAC) in the State Capitol and Capitol North

The current HVAC system is regularly maintained and utilizes MERV 8 filters. The State Capitol east and west air supplies pass through air chambers fitted with ultraviolet germicidal lamps, which are changed annually. The ventilation system includes outside air handlers that supply fresh outside air 24/7. To provide additional outdoor air circulation, the smoke relief fans will be used with an additional outside air supply make-up air unit in the Rotunda and common areas during the evening or early morning hours. Various exhaust systems will be run continuously. This will pull out a large amount of air, leaving fresh air in the morning. The outside intake vents are being run on high for a better quality of air. Filters are currently changed quarterly, but this will likely be increased.

It is important to emphasize that what is sometimes referred to the Roundhouse "petri dish" effect is not due to the HVAC system, but rather to large numbers of people in the building; the touching of many common surfaces; the close proximity of people, including hugs and handshakes; students in the building; tours for visitors; people working while sick; and shared

food such as buffets, candy dishes, pizza, salad bar, small kitchen, etc. Under the current circumstances, a legislative session would become a super-spreader event.

A presentation at a recent committee hearing included the following information from the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE):

"Airborne viruses/pathogens are expelled as aerosols (tiny droplets) by breathing, speaking, singing, coughing and sneezing

- COVID-19 behaves as an aerosol;
- length of time virus is airborne and distance traveled affects spread and severity of infection;
- respiratory viruses are most harmful when inhaled deep into the lungs;

and

- low ambient humidity causes aerosols to desiccate into virus nuclei that can travel long distances (beyond 6 feet social distancing guidelines)."

Deep cleaning, sanitizing, disinfecting and decontaminating

Sufficient cleaning supplies will be on-hand for Legislative Building Services and House and Senate maintenance staff. Restrooms will be cleaned frequently.

Approved sanitizing products and three sanitizing fogging machines will be used as needed.

An arrangement will be made with an entity that can provide immediate service for disinfecting and decontaminating an office or other large area, including the entire State Capitol or State Capitol North in case of an outbreak.

Surface contact

High-contact surfaces will be cleaned frequently.

It is recommended that doors to office suites and legislator elevators be kept open to reduce surface contact.

All drinking fountains in the State Capitol have been shut off for some time. All drinking fountains at the State Capitol North have been removed and the water bottle fillers have been ordered, one for each floor. The State Capitol currently has two bottle fillers on the first floor, one on the House side and one on the Senate side, and one bottle filler each on the ground, third and fourth floors. If more are needed, they can be ordered.

Elevators

Public elevators should be limited to no more than four people. Legislator elevators

should be limited to no more than two people.

5. Media

The media staff of the four leadership offices met to discuss media access to the State Capitol. Generally, their recommendations include the following:

- establishing a credentialing process;
- establishing a cap on the number of media (outlets or people) in the building;
- requiring that media follow COVID-safe practices;
- establishing access limits to certain areas of the building or requiring appointments for meeting with legislators;
- ensuring legislative document availability (see discussion of "downloads" in Document Handling and Distribution section); and
- providing access to committee hearings (if conducted off-site).

6. Public health initiatives (testing, tracing, temperature checks, masks, social distancing)

Masks

It is recommended that all staff be required to wear masks. Enforcement is the responsibility of the employee's office and supervisor. It is strongly recommended that all legislators be required to wear masks. It is also recommended that staff be allowed (without concern) to decline a request for a meeting if the person requesting the meeting refuses to wear a mask.

Testing

In discussions with the Department of Health (DOH), it was advised that legislators and staff should be tested approximately five to six days before session and again the day before session. After that, the DOH suggests testing of at least 15% to 20% of all legislators and staff each week; the DOH encourages and can accommodate more than that proposed minimum. The samples that the DOH obtains from legislators and staff will be taken to a lab for expedited results. If a test is positive, the affected person will be notified as soon as possible, and the next step is to have that individual help identify the people with whom that individual interacted (contact tracing). It is highly recommended that staff keep a daily log of places visited in the State Capitol and with whom they came into contact. Decisions will have to be made about: 1)

who gets isolated or quarantined; 2) what area(s) of the State Capitol would need to be disinfected and decontaminated; and 3) when it would be safe to return to the area or the State Capitol itself. (Apparently, contact tracing via a Bluetooth app is not yet available in New Mexico.)

Directors, chief clerks and other managers and supervisors can require staff to be tested or to prevent staff from entering the building if not tested. This process may be difficult to enforce.

At least two central points of contact will be needed in each of the following offices for information about and coordination for testing and tracing: LCS, LESC, LFC, chief clerks and leadership offices for legislators and leadership staff.

Medical staff

It is recommended that paramedics continue to be present in the State Capitol, but it may be necessary to find a better space for their services. In addition, it may be necessary to establish a paramedics area at the SFCCC if it is used for standing committees. Based on discussions with the New Mexico Medical Society, it is unlikely that it will provide a "doctor-of-the-day" during the session. However, it can work with the Legislature to have physicians on-call or on-contact under certain circumstances.

Process and procedures if there is an outbreak

Guidelines should be developed based on information from the federal Centers for Disease and Control and Prevention and the DOH, including quarantine requirements and sanitizing/decontaminating the affected area.

7. Security and State Police

Security and State Police will be available during session. If the SFCCC is used, State Police should be there as well. However, coordination between the State Police and the Santa Fe Police Department would be needed regarding jurisdiction on city property. Currently, the State Police has "concurrent jurisdiction for the protection of all public buildings, grounds and property of the state government ... including but not limited to the state State Capitol and the state State Capitol complex" (Section 29-2-28 NMSA 1978), but this does not include municipalities. It will also be necessary to determine what kind of legislative security (e.g., sergeants-at-arms, attendants) can be in place at the SFCCC.

8. Meals and beverages

Food services

The House kitchen service provided on the first and second floors would not be possible while maintaining COVID-safe practices among staff and customers. Some options that are being considered include:

- debit and credit card-enabled vending machines for sandwiches;
- delivery of individually packaged meals for sale (via underground delivery);
- food trucks made available in close proximity (e.g., vacant lot across from Kaune's, southwest corner of Paseo de Peralta and Old Santa Fe Trail); and
- coordination with local restaurants that could provide a daily menu from which legislators and staff can order for the next day's breakfast, lunch or dinner.

Beverages

Similar to what another state legislature has done, one or two session employees could be designated to provide beverage service in the House and Senate lounges. The employees would be masked and gloved and would pour coffee or iced tea or provide bottled water or sodas. To limit the contact, the service could be provided at no charge if legislators, staff and others donated for the purchase of the beverages.

Communal areas for storing, preparing and consuming food and beverages

Recommendations include having guidelines for:

- shared coffee pots;
- pick-up or distribution of meals;
- not allowing candy dishes or snack bowls;
- not allowing shared water pitchers; and
- communal refrigerators.

9. Document handling and distribution

To ensure the timely posting of introduced bills and adopted committee reports with or without amendments or substitutes, PDF copies of the bills and committee reports will be placed on the website as soon as possible by LCS staff after receiving these documents from the chief clerks' offices. These documents will be available on the "Quick Links" tab on the website under "Downloads". A notice will also be placed on the website homepage.

The respective bill page with all of the information on sponsors, location, votes, FIRs, committee reports, etc., will still be updated regularly, but the Quick Links/Downloads will be updated sooner.

Bill handling and distribution

Internal processes and procedures for drafting, preparation and distribution of legislation have been documented. They are being reviewed to determine where paper/hard copies can be replaced with electronic copies and distribution. Nonetheless, a number of legislators and staff rely on and use hard copies, which will be made available as needed and requested.

Bill room and mail room access

A meeting is planned for discussion with the supervisors of the mail room and bill room during session. The number of printed bills should be decreased based on discussions with the chief clerks.

10. Legislative Information Systems (LIS - Information Technology (IT))

A decision has been made to use Zoom as the video conference platform for the State Legislature. LIS and LCS staff are in discussions with the vendor to determine how much Zoom capacity (licenses for users and hosts) to purchase. Training will be offered for legislators and staff. House and Senate staff will be responsible for operating the Zoom platform during floor sessions and committee hearings and will coordinate with LIS for webcasting.

Webex will continue to be used for interim committees for the remainder of this year, but Zoom will be used for next year's interim. The Webex contract will remain in place for one year as a backup.

LIS is working closely with SLIQ for the webcast functionality and redundancy. LIS has a failover process, and may actually operate it simultaneously, by using YouTube. We have set up an account with YouTube and has successfully tested it with some interim committee meetings.

If the SFCCC is used, a number of purchases will have to be made for hardware and software. LIS resources needed include:

- Zoom platform;
- SLIQ redundancy;
- new hardware and software to expand/upgrade video conferencing and webcasting;

- closed captioning using AI software through SLIQ;
- connection and firewall between the State Capitol and the SFCCC;
- sufficient microphones for committee members;
- power strips and wiring connections;
- computers, printers and ancillary devices for committee and other staff at the SFCCC; projectors for use at the SFCCC for hybrid meetings (the number of projectors at the SFCCC is limited); and
- cameras for rooms at the SFCCC.

The LCS will coordinate with the SFCCC about which items are purchased by the City of Santa Fe with federal CARES Act funding and what is purchased by the New Mexico Legislature for its ongoing use.

11. House, Senate and Joint Rules

The House and Senate Rules adopted for the June special session will need to be reviewed to see what will be applicable for the regular session.

Prefiled bills cannot be introduced/submitted to the chief clerks until January 4 based on changes in the State Ethics Commission Act. There is a concern about getting a large number of requests in the latter half of December when staff tries to take time off for the holidays and rest up before the session.

12. Funding

The New Mexico Legislature can use pre-session funding that was already appropriated in the 2020 regular session feed bill (HB 1) for staff, hardware, software and other pre-session use. The other source of funding is interim expense funding, which has a provision "that the New Mexico New Mexico Legislative Council may transfer amounts from the [interim expense] appropriation ... to any other legislative appropriation where they may be needed" (Laws 2020, Chapter 1). The SFCCC is looking at upgrading some of its systems (e.g., more robust Wi-Fi for public and private networks) using federal CARES Act funding that will greatly assist the New Mexico Legislature's needs.