



MINUTES
of the
THREE-HUNDRED-TWENTY-SEVENTH MEETING
of the
LEGISLATIVE COUNCIL
December 17, 2009
Santa Fe

The three-hundred-twenty-seventh meeting of the Legislative Council was called to order on Thursday, December 17, 2009, at 10:30 a.m. in Room 307 of the State Capitol by Senator Timothy Z. Jennings, co-chair.

Present

Senator Timothy Z. Jennings, Co-Chair
Representative Ben Lujan, Co-Chair
Senator Carlos R. Cisneros
Senator Dianna J. Duran
Representative Keith J. Gardner
Senator Stuart Ingle
Representative Rhonda S. King
Representative W. Ken Martinez
Senator Cisco McSorley
Representative Sheryl Williams Stapleton
Representative Thomas C. Taylor
Representative Jeannette O. Wallace

Special Advisory Members Present

Representative Eliseo Lee Alcon
Representative Anna M. Crook
Representative Brian F. Egolf, Jr.
Senator Mary Jane M. Garcia
Representative Antonio Lujan
Representative James Roger Madalena

Guests

Representative Debbie A. Rodella

Staff

Paula Tackett, Director, Legislative Council Service (LCS)
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS
Raúl Burciaga, Assistant Director for Drafting Services, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS
Jeret Fleetwood, Locator Coordinator, LCS

Absent

Representative Rick Miera
Senator William H. Payne
Senator Michael S. Sanchez

Special Advisory Members Absent

Representative Donald E. Bratton
Senator Pete Campos
Senator Kent L. Cravens
Senator George K. Munoz
Representative Al Park
Senator John Arthur Smith

On a motion made, seconded and unanimously approved, the minutes of the September 23, 2009 meeting were approved as submitted.

Ms. Tackett and Ms. Pacheco-Dofflemeyer presented a proposed plan after discussion with the agency directors and chief clerks for the additional reductions to the 2010 fiscal year budgets per Laws 2009, Chapter 4 passed during the October special session. This legislation mandated additional cuts to the 2010 fiscal year budgets by another five and three-tenths percent in total to maintain government solvency. The proposal consisted of a four percent reduction in agency budgets with the balance being taken from 2009 session balances. Ms. Tackett noted that the cuts would be met by not filling vacancies, reductions in travel expenses, reversions from unused funds from the legislative intern program and reductions in planned equipment purchases for the Legislative Information Systems budget.

The council had a lengthy discussion about the proposed cuts. Members pointed out that 1) the legislature accounts for only a small part of the overall state budget; 2) its budget has not grown much over the past eight years; 3) transferring money from the legislative interim expense account might cause problems because it is the only account that could be used to provide money for another purpose; and 4) there is potential for the loss of valuable institutional memory if the legislature continues to reduce its budget and work force.

On a motion made and seconded, the council approved a two percent reduction from the agencies, intern program, Senate Rules Committee and Legislative Information Systems budgets with the balance of the 5.3% cuts to be taken from session balances in Laws 2009 (1st S.S.), Chapter 1. Senators Ingle and Jennings voted NO.

Council Business: Authorization of Pre-Session Meetings

On a motion made, seconded and unanimously approved, the council authorized the House Appropriations and Finance Committee (HAFC), Senate Finance Committee, House Education Committee and House Transportation and Public Works Committee to meet before the start of the session and to be paid for out of the pre-session appropriation.

The council also directed staff to send a letter to Legislative Finance Committee (LFC) Director David Abbey, reminding him that funding for pre-session meetings of standing legislative committees is traditionally included in House Bill 2.

Capitol Parking Facility: Status and Policies as Reviewed by the Legislative Facilities Review Subcommittee

Ms. Tackett explained that the capitol parking structure has been open since October, with free parking on a first-come, first-served basis. She went on to provide the council with proposed procedures for the session, which had been reviewed by the Legislative Facilities Review Subcommittee, noting that interim parking would be handled separately. She pointed out that the facility has 594 spaces and that the design of the structure allows 337 spaces to be closed off and accessible by card only. Ms. Tackett provided the council with proposed parking policies governing parking for state agencies and the public. It was proposed that card-only

access parking be for state agencies while the remaining spaces be available to the public at a rate of \$1.00 per hour with a maximum of \$8.00 per day. The proposed policies also allow members of the public to be able to pay an additional amount for a reserved space for a month, but no more than 40 percent of the public spaces could be reserved.

The council discussed several issues associated with the parking structure and with parking in general in the capitol area. Several members stressed the importance of providing increased parking to members of the public, noting that a lack of adequate parking makes it difficult for the public to participate in the legislative process. Other members noted the importance of furnishing parking spaces to legislative staff members, many of whom have to leave the capitol late at night.

Other suggestions included:

- offering reduced parking rates to those session and state agency employees who do not receive card-access parking spaces;
- reserving some spaces for high-occupancy vehicles (HOV), vehicles containing more than one passenger, as a means of encouraging people to car-pool;
- increasing the number of parking spaces for the public; and
- building some flexibility into the policies to allow for early mistakes, such as agency employees who mistakenly take a ticket at the gate or forget their card.

HAFC/HB 17 & 33: Capital Outlay Mandate

Ms. Tackett explained that HAFC Substitute for House Bills 17 and 33 contained a provision mandating the identification of \$150 million in general fund capital outlay projects that could be voided by the 2010 legislature. She also noted that the Department of Finance and Administration (DFA) had recently issued letters voiding the project agreements for all capital outlay projects, requiring proof of third-party obligations before project agreements could be reinstated. She noted that no projects could be voided unless the legislature were to take such action. She went on to provide the council with a time line and criteria detailing how voidable projects would be selected pursuant to HAFC/HB 17 & 33.

In response to a question from Representative Stapleton, Ms. Tackett explained that not all capital outlay projects had been frozen by the governor.

In response to a question from Representative Martinez, Ms. Tackett explained that the task of reviewing projects had been divided between the DFA and the legislature because of the sheer number of projects and the short time frame.

Representative Martinez emphasized the importance of involving the Indian Affairs Department (IAD) in project selection. Linda Kehoe of the LFC explained that projects on the

Navajo Nation had already been identified, but that the IAD had worked closely to help select them. However, Ms. Kehoe noted that because some individual chapter houses did not agree with the department and the Navajo Nation on which projects to select, the LFC had worked closely with the chapter houses. Representative Martinez expressed his appreciation to Ms. Kehoe.

In response to another question from Representative Martinez, Ms. Tackett explained that all three agencies involved in project selection would review the entire list and agree to items on it.

In response to a question from Senator Duran, Ms. Tackett indicated that the quarterly status report of projects, which would include possible voidable projects, were sorted by sponsor and mailed to legislators, thus allowing members to note which projects in their districts may be on the voidable list.

Independent Operational and Fiduciary Review Status

Mr. Burciaga provided the council with an update on the status of the independent operational and fiduciary review being performed on the State Investment Council (SIC), the Educational Retirement Board (ERB) and the Public Employees Retirement Association (PERA) by Ennis Knupp & Associates, Inc. He explained that unexpected delays forced the firm to delay its final report, noting that the delays are related to subpoena requests submitted to the SIC and ERB for large amounts of documents. Mr. Burciaga pointed out that Ennis Knupp expressed its preference for completing the review on a delayed schedule rather than rush its report for the sake of meeting a deadline. He also noted that representatives from the firm were currently in town conducting face-to-face meetings. Mr. Burciaga went on to explain that the firm would report its findings to the SIC and ERB on January 11 and to the PERA and State Board of Finance on January 12. He indicated that the firm proposed making a report to the council on the afternoon of January 12 or the morning of January 13, explaining that its presentation would likely take about two hours.

The council chose the afternoon of January 12 to receive the report from Ennis Knupp, beginning at 1:00 p.m.

Staff Reports

Ms. Tackett noted that House Memorial 84 directed the LCS and Legislative Building Services to explore options and develop a plan for placing a women's restroom off the house lounge. She indicated that the Capitol Facilities Review Subcommittee had reviewed a proposed plan but, given the complexity of the necessary changes and the current budget constraints, had recommended that the project be put on hold for the time being and that the subcommittee had continued to develop costs and a time line.

Ms. Tackett indicated that a staff meeting was held to try to identify additional proposals for reducing legislative spending, pursuant to council direction, and she presented the council with this list of proposals. She pointed out that while the legislature has already significantly

reduced the amount of paper it consumes and continues to do so, paper consumption was again highlighted as a cost-saving possibility.

In response to a question from Representative Stapleton, Ms. Tackett clarified that suggestions included reducing the number of bills printed, rather than the number of bills introduced. She explained that laws mandate that a specific number of copies of each bill introduced must be made and transmitted to various agencies and entities, unless the bill specifically directs otherwise.

In response to another question by Representative Stapleton, Ms. Tackett explained that membership on national committees, such as the National Conference of State Legislatures and the Council of State Governments, used to be limited to one national committee per member, but it has evolved into several memberships on multiple national committees for many members.

The council discussed several of the proposals, including those to limit the number of interim committee meetings held outside of Santa Fe and to change advisory memberships on interim committees into designees, such as on the Revenue Stabilization and Tax Policy Committee or the LFC.

Some members pointed out that holding interim committee meetings outside of Santa Fe was originally intended to encourage residents across the state to participate in the legislative process, but that community attendance at most meetings is not particularly robust at this point.

It was noted that holding meetings outside of Santa Fe forces legislators, legislative staff and also staff for state agencies to travel to meeting destinations, resulting in increased travel costs for a large number of public employees.

The council thanked staff members for their work on the recommendations, indicating it would take them under advisement.

There being no further business, the council adjourned at 1:10 p.m.