



MINUTES
of the
TWO HUNDRED NINETY-SECOND MEETING
of the
LEGISLATIVE COUNCIL
January 17, 2005
Santa Fe

The two hundred ninety-second meeting of the Legislative Council was called to order on Monday, January 17, 2005, at 10:25 a.m. in Room 307 of the State Capitol by Speaker Ben Lujan, co-chair.

PRESENT

Representative Ben Lujan, Co-Chair
Senator Ben D. Altamirano
Senator Dianna J. Duran
Senator Joseph A. Fidel
Representative Ted Hobbs
Senator Stuart Ingle
Representative W. Ken Martinez
Senator Cisco McSorley
Representative Danice Picraux
Senator Leonard Lee Rawson
Representative Jeannette O. Wallace
Representative Donald L. Whitaker

Special Advisory Members Present

Representative Irvin Harrison
Senator Carroll H. Leavell
Representative Patricia A. Lundstrom
Representative James Roger Madalena
Representative Terry T. Marquardt
Senator Lidio G. Rainaldi
Representative Debbie A. Rodella
Representative Joe M Stell

Staff

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

ABSENT

Senator Richard M. Romero, Co-Chair
Senator Timothy Z. Jennings
Representative Joe Thompson

Special Advisory Members Absent

Senator Mary Jane M. Garcia
Senator William H. Payne
Representative Earlene Roberts

On motion made, seconded and unanimously passed, the minutes of the December 17, 2004 meeting of the Legislative Council were approved as submitted.

CAPITOL SECURITY

Lieutenant Rick M. Anglada of the New Mexico State Police informed the council that he would be serving as head of capitol security during the legislative session. He outlined the budget request of \$183,595 for capitol security, noting that an additional four officers would be added to the usual detail. Lt. Anglada explained that the extra officers would staff additional posts in the capitol complex. He also indicated that the capitol security detail would consist of 30 male and 19 female state police officers divided into two separate groups that would staff the capitol for two weeks at a time. Finally, Lt. Anglada stated that the officers began working at the capitol on January 16, when they had the state police's bomb-sniffing dog sweep the entire capitol complex for explosives.

In response to a question from Representative Whitaker, Lt. Anglada stated that nine officers would be assigned to each shift. He also noted that those officers would be staffing seven separate posts, with some posts featuring two officers.

Representative Rodella requested that Captain Greg Toya be assigned to the capitol security detail, noting that he is the highest-ranking Native American state police officer and that his presence would emphasize the diversity of the capitol security detail.

In response to a question from Senator McSorley, Lt. Anglada explained that the budget increase over the request made for capitol security for the last 60-day session reflected five percent pay raises granted to state police officers and the additional officers. Senator McSorley also requested an accounting of the security measures in place, explaining that there is a need to balance public access to the capitol with public safety.

Staff was requested to compare security arrangements at the New Mexico State Capitol with those of other states, including the Colorado State Capitol in Denver, which had metal detectors at its entrances during the interim.

Speaker Lujan noted that Department of Public Safety Secretary John Denko had contracted with the New Mexico Legislature before he was a cabinet secretary to perform an assessment of security at the capitol and made recommendations at that time for appropriate security measures. Paula Tackett noted that the study had been done a number of years ago and should likely be updated.

LEGISLATIVE INFORMATION SYSTEMS REPORT AND BUDGET

Lenore Naranjo, Chair of the Legislative Information Systems (LIS) User Group, and Ms. Tackett provided the council with an overview of the background and makeup of the LIS User Group.

Ralph Vincent, LIS consultant, provided the council with a summary of some of the projects the LIS User Group is currently pursuing. Among those projects are an expansion of the

wireless internet access pilot project, which would allow users to access the LIS network from anywhere in the building instead of just the third floor committee rooms, and software updates for the committee secretary module, the legislative website, the *Daily Bill Locator*, the capital project requests database and the program that generates fiscal impact reports.

Ms. Tackett presented the council with an LIS budget request of \$452,300, to be transferred from cash balances.

In response to a question from Representative Lundstrom regarding the capital project requests database, Ms. Tackett and Representative Whitaker explained that projects regarding senior citizens are all traditionally part of one bill.

In response to a question from Representative Rodella, Mr. Vincent explained that security issues have so far prevented the LIS from implementing an instant messaging system.

In response to a question from Representative Picraux, Ms. Tackett explained that generally there is a four-year replacement cycle for computers and the budget requests for the House and Senate would always be different, in part because the different agencies are at different points in their computer replacement cycle.

In response to a question from Senator Rawson, Mr. Vincent noted that new email addresses for the legislature had been in place for a few days. He also explained that anti-spam software was part of the package, and that while the software in place was as good as any on the market, some spam would still find its way into legislative mailboxes.

On a motion made, seconded and unanimously approved, the council approved the LIS budget request.

LEGISLATIVE COUNCIL SERVICE STAFFING REQUEST

Ms. Tackett requested an increase in the LCS budget to allow for two additional staff members, an LIS manager and an additional computer specialist. She explained that there has not been a request for additional staff for the LCS and the LCS budget has been flat for a number of years, that information technology was a rapidly expanding area, and that more staff were needed to be able to cover the LCS, LESC, LFC and the House and Senate.

In response to a question from Representative Madalena, Ms. Tackett explained that the request would need to be authorized by the council to be included in the Feed Bill.

On a motion made, seconded and unanimously approved, the council approved the LCS request for the staff increase.

Representative Madalena reminded the council that he had been co-chair of the Medicaid Reform Committee and raised the issue of an appropriation being necessary for a health care data cost analysis. Ms. Tackett pointed out that some money had been included in the 2004 budget

for such an analysis, but that additional funding would be required to further analyze the information generated. Raul Burciaga explained that a bill sponsored by Representative Picraux during the last session called for the health care study. He went on to explain that the study was almost complete and would be printed shortly.

On a motion made, seconded and unanimously approved, the council approved a motion to increase the interim expense amount in the Feed Bill by \$150,000 for the purpose of continuing to analyze the information generated by the health care data cost study.

PROPOSED JOINT RULE CLARIFYING THE USE OF MEMORIALS AND CERTIFICATES

John Yaeger provided the committee with revised language regarding the proposed joint rule clarifying the use of memorials and certificates. He explained that the revised language indicated that the Speaker and President Pro Tempore, in consultation with the chair of the Rules Committee in each house, could approve a member's request for a memorial instead of a certificate to recognize a person or group or to express the condolences of the House or Senate.

On a motion made, seconded and unanimously approved, the council approved the revised language and instructed staff to prepare it as a concurrent resolution.

PROPOSED LEGISLATIVE COUNCIL POLICY REGARDING LEADERSHIP STAFF

Ms. Tackett and Mr. Yaeger provided the council with a proposed leadership staff policy. They explained that the proposed policy is an overview of the practice already in place, but that it also outlines the procedures to be followed when there is a total vacancy in a leadership office. Ms. Tackett and Mr. Yaeger noted that the LCS is responsible administratively for leadership staff members, but that in the event of a total vacancy in a leadership office, the appropriate chief clerk's offices would assume responsibility for leadership staff members who no longer have a member to report to directly.

On a motion made, seconded and unanimously approved, the council adopted the proposed leadership staff policy.

STAFF REPORTS

Raul Burciaga provided the council with an update on the LCS bill-drafting rationale in light of the *New Mexico v. Smith* case, which involved pieces of legislation passed by the legislature and signed by the governor that amend the same section of law. He explained that in past years, several bills were passed by the legislature and signed by the governor amending the same section of the NMSA 1978. Mr. Burciaga pointed out that before the *Smith* case, the last of those bills signed was the one compiled into the statutes, although the other laws might still be effective if there was no conflict with the last one signed. He went on to explain that in light of the *Smith* case, the uncompiled language that exists in those uncompiled laws would actually be written into bills introduced during the 2005 session amending those particular sections, and that

those bills would bear the phrase "reconciling multiple amendments" in their titles. He also noted that the governor's office was aware of the practice and that the LCS would look at other necessary changes to the practice immediately after the session.

In response to a question from Representative Martinez, Ms. Tackett suggested that it would be useful to study the magnitude of the problem of uncompiled language in the statutes and then develop some means of solving it. For example, she pointed out that some states have a position dedicated to statutory revision in their council services.

In response to a question from Senator McSorley regarding the use of mock-ups of legislation, Ms. Tackett explained that mock-ups, which are effectively the continuous enrolling and engrossing of amendments, could choke the bill production system as well as produce confusion in the process. However, she said that the LCS could produce some at the direction of committee chairs and leadership if that was the pleasure of the council.

Ms. Tackett provided the council with an updated version of the LCS strategic plan for informational purposes. She also provided the council with a copy of the legislative harassment policy, noting that the staff had undergone some training with regard to it.

Ms. Tackett also discussed the matter of refurbishing some parts of the capitol. She pointed out that some of the furniture currently in use in the capitol is 14 years old and needs to be replaced. Ms. Tackett stated that a plan to replace some of the capitol furniture over the interim was being developed. In response to a question from Representative Marquardt, Ms. Tackett indicated that upgrading capitol furniture was probably not sufficiently covered by the Legislative Building Services budget. She noted that some immediate concerns would be addressed quickly, but an inventory would be taken and brought before the council at another meeting. On a motion made, seconded and unanimously approved, the council authorized \$200,000 for updating furniture in the capitol.

Ms. Tackett went on to discuss the updating of the capitol's fire alarm and smoke evacuation system. She explained that a recently conducted study, as well as discussions with the fire marshal, identified a need to improve the smoke evacuation system and to develop options and recommendations for doing so. Ms. Tackett indicated that if it is necessary to bring an appropriation request to the legislature, staff would get the recommendations to leadership to review and approve such an appropriation to be included in the Feed Bill.

In response to a question from Senator Rawson, Ms. Tackett stated that while the capitol's fire alarm and smoke evacuation system may not be up to the current code, they do conform to the code in place at the time of the last remodeling.

There being no further business, the council adjourned at 12:10 p.m.