



**MINUTES
of the
THREE-HUNDRED-THIRTY-SIXTH MEETING
of the
LEGISLATIVE COUNCIL
January 17, 2011
Santa Fe**

The three-hundred-thirty-sixth meeting of the Legislative Council was called to order on Monday, January 17, 2011, at 11:20 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 Stuart Ingle
Representative W. Ken Martinez
Senator Cisco McSorley
Representative Rick Miera
Senator William H. Payne
Senator Michael S. Sanchez
Representative Sheryl Williams Stapleton
Representative Thomas C. Taylor

Absent

Special Advisory Members Present

Representative Eliseo Lee Alcon
Representative Donald E. Bratton
Senator Pete Campos
Representative Anna M. Crook
Representative Brian F. Egolf, Jr.
Senator Mary Jane M. Garcia
Representative Antonio Lujan
Representative James Roger Madalena
Senator George K. Munoz

Special Advisory Members Absent

Senator Kent L. Cravens
Representative Al Park
Senator John Arthur Smith

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS
Doris A. Faust, Assistant Director for Drafting Services, LCS
John Yaeger, Assistant Director for Legislative Affairs, LCS
Jeret Fleetwood, Locator Coordinator, LCS

On a motion made, seconded and unanimously passed, the minutes of the December 17, 2010 meeting were approved as submitted.

Redistricting

Mr. Burciaga provided the council with an update on redistricting efforts. He explained the council appointed a subcommittee at the December 17, 2010 meeting to develop guidelines for the redistricting process for consideration by the council at its next meeting. Mr. Burciaga went on to note that the guidelines recommended by the subcommittee were included in the meeting materials provided to the council. He also pointed out that Brian Sanderoff, president of Research and Polling, Inc., was present and would review the guidelines for the council.

Mr. Sanderoff explained that there are five basic principles of redistricting:

- equal population;
- minority voting rights;
- compactness;
- contiguity; and
- community of interest.

He noted that adhering to those principles would keep the legislature out of trouble through the redistricting process. Mr. Sanderoff then went on to explain the five principles in more detail. He began by noting that the census counts everyone, including adults, children, citizens, college students, prisoners and non-citizens such as undocumented immigrants and foreign students. Mr. Sanderoff then explained that there is a constitutional mandate to redistrict.

Next, Mr. Sanderoff discussed the principle of equal population. He explained that the ideal district population is equal to the total state population divided by the number of districts. However, Mr. Sanderoff noted that some deviation is allowable in the case of non-congressional districts. He also highlighted the changes in population from 2000 to 2010 and how that growth affects the ideal population of congressional, state house, state senate and public regulation commission districts.

Mr. Sanderoff went on to discuss the principle of minority voting rights, explaining that redistricting should not dilute the voting strength of ethnic or language groups, such as Native Americans, African Americans and Hispanics. Instead, he noted that redistricting should give the minority populations an opportunity to elect a candidate of their choice. Mr. Sanderoff also discussed the two main methods of diluting minority voting strength: packing and cracking. He explained that packing involves concentrating minority groups into the smallest number of districts possible to minimize the number of districts in which the minority could elect a candidate of the minority's choice, and that cracking splits minority groups into as many districts as possible to minimize their influence in any given district. Mr. Sanderoff provided the council with visual examples of both methods.

Mr. Sanderoff then discussed compactness of districts, explaining that it refers to the shapes of districts, rather than their size. Again, he provided the council with visual examples of districts that are and are not compact.

Mr. Sanderoff also discussed contiguity of districts, explaining that districts must be contiguous and not contain islands of territory.

Finally, Mr. Sanderoff explained communities of interest, which he described as all of the other factors that determine where and how a district boundary can be drawn. Examples of communities of interest are:

- maintaining the core of existing districts;
- protection of incumbents;
- respect for political subdivisions;
- neighborhoods;
- cultural or historical traditions; and
- geographic boundaries.

Mr. Burciaga introduced Luis Stelzner, Rich Olson and Michael Browde, who are under contract for legal redistricting services, to the council and asked them to come forward to answer any questions.

In response to a question from Senator Payne, Mr. Sanderoff explained that census numbers by district would not be available until April.

In response to a question from Representative Madalena, Mr. Olson and Mr. Stelzner discussed the issue of racial gerrymandering.

In response to another question from Representative Madalena, Mr. Sanderoff agreed that much of Sandoval County is not part of metropolitan Albuquerque, but explained that it had been included in the Albuquerque metro section of the map showing population change because only county data were available at the time the map was compiled.

In response to questions from several members about splitting precincts, Mr. Sanderoff explained that statutes had been enacted to allow the secretary of state to split precincts in some cases.

In response to a question from Representative Egolf, Mr. Olson and Mr. Stelzner explained that the United States Department of Justice will not be involved in redistricting in New Mexico, but it does look at redistricting nationwide and could become involved in cases affecting Native Americans in New Mexico.

In response to a question from Senator Cisneros, Mr. Sanderoff explained that precincts are the basic building blocks of redistricting in New Mexico, and that if enough blocks exist, there will not be any need to split precincts to create districts.

In response to a question from Senator McSorley, Mr. Stelzner explained that he did not think there was any case law regarding gerrymandering of a precinct.

Mr. Burciaga asked that requests of either Research and Polling or the redistricting attorneys be directed through the LCS for the time being.

On a motion made, seconded and approved, the council approved of the redistricting guidelines and directed staff to include \$1.5 million in the feed bill for redistricting needs.

Session Security

Mr. Burciaga provided the council with an overview of session security issues. He explained that the New Mexico State Police would again team with capitol security to help keep the capitol safe for members, staff and the public. However, Mr. Burciaga noted that instead of providing 24-hour security, the state police would leave the capitol about an hour after the last floor session or committee has finished.

Lieutenant Tony Gonzalez of the New Mexico State Police provided the council with an overview of the capitol security detail. He explained that there would be two groups of officers on 15-day rotations, and that seven officers, two sergeants and himself would be in the capitol at any given time. Lieutenant Gonzalez also noted that he had tried to reflect the state's diversity in selecting members for the detail. He also said that the total cost of state police coverage for the session is \$104,600. Finally, Lieutenant Gonzalez assured the council that the state police would work to ensure that the legislative process would not be disrupted by illegal acts.

In response to a question from Senator Payne, Lieutenant Gonzalez noted that a threat assessment had been performed, but that no specific threats had been identified.

In response to another question from Senator Payne regarding magnetic anomaly detectors, which can determine whether individuals are carrying firearms, Mr. Burciaga noted that it had not been looked into, but could be.

In response to a question from Representative Bratton, Mr. Burciaga explained that several other states employ metal detectors at their capitol entrances.

In response to a question from Representative Martinez, Lieutenant Gonzalez noted that the building had been swept for explosives.

Several members expressed concerns regarding the safety of members in the wake of the shooting of United States Representative Gabrielle Giffords in Arizona a week earlier. Some members suggested increasing security measures, while others emphasized that public access to the building should not suffer. Lieutenant Gonzalez indicated that state police officers have received specific training on active shooter scenarios. He also noted that officers will be present for committee hearings and floor sessions that feature hot-button issues.

In response to a question from Speaker Lujan, Lieutenant Gonzalez indicated that at least one female officer would be on duty with the capitol security detail.

In response to a question from Representative Taylor, Mr. Burciaga explained that while the capitol parking structure is not regularly patrolled, the cameras in the structure are monitored.

Staff Reports

Mr. Burciaga noted that parking assignments had been completed, and that Governor Martinez had opened up 65 additional parking spaces in the Public Employees Retirement Association building's parking lot.

Senator McSorley said that he had attended the health care presentation by Milbank. He emphasized that the presentations were extremely helpful and suggested bringing the presenters back to address the whole legislature.

Senator Jennings said that perhaps something could be scheduled for later.

There being no further business, the council adjourned at 1:00 p.m.