



**MINUTES  
of the  
THREE-HUNDRED-TWENTY-FIRST MEETING  
of the  
NEW MEXICO LEGISLATIVE COUNCIL  
January 19, 2009  
Santa Fe**

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The three-hundred-twenty-first meeting of the New Mexico Legislative Council was called to order on Monday, January 19, 2009, at 10:25 a.m. in Room 307 of the State Capitol by Speaker Ben Lujan, co-chair.

**Present**

Senator Timothy Z. Jennings, Co-Chair  
Representative Ben Lujan, Co-Chair  
Senator Carlos R. Cisneros  
Senator Kent L. Cravens  
Senator Stuart Ingle  
Representative Rhonda S. King  
Representative W. Ken Martinez  
Representative Rick Miera  
Senator Michael S. Sanchez  
Representative Thomas C. Taylor  
Representative Jeannette O. Wallace

**Special Advisory Members Present**

Representative Janice E. Arnold-Jones  
Representative Donald E. Bratton  
Senator Dianna J. Duran  
Senator Mary Jane M. Garcia  
Representative Antonio Lujan  
Representative James Roger Madalena  
Senator Cisco McSorley  
Senator Steven P. Neville  
Representative Peter Wirth

**Staff**

Paula Tackett, Director, Legislative Council Service (LCS)  
Raúl Burciaga, Assistant Director for Drafting Services, LCS  
John Yaeger, Assistant Director for Legislative Affairs, LCS  
Jeret Fleetwood, Locator Coordinator, LCS  
Aldis Philipbar, Research Assistant, LCS

**Absent**

Senator Pete Campos  
Representative Daniel R. Foley  
Senator John T.L. Grubestic  
Senator Leonard Lee Rawson  
Representative Sheryl Williams Stapleton

**Special Advisory Members Absent**

Representative Al Park  
Senator Lidio G. Rainaldi  
Senator John Arthur Smith  
Senator H. Diane Snyder

Members of the council, staff and audience observed a moment of silence for Michael Trujillo, project manager for Legislative Building Services, and George Garcia, husband of Senator Mary Jane M. Garcia, who had both passed away recently.

On a motion made, seconded and unanimously approved, the minutes of the November 14, 2008 and December 20, 2008 meetings were approved as submitted.

### **Capitol Security**

Captain Thomas J. Dobson of the New Mexico State Police provided the council with an overview of the state police capitol security detail. He explained that the detail consists of four rotating groups of officers stationed at the capitol for 15 days each. Captain Dobson went on to note that each rotation consists of 17 officers and that per diem payments for officers for the entire session amounted to \$124,000.

In response to a question from Speaker Lujan, Captain Dobson provided the gender makeup of each rotation of officers.

### **Capitol Parking Update**

Ms. Tackett provided the council with an update on session parking issues around the capitol. She explained that agreements had been worked out to secure parking spaces in four separate lots: 130 parking spaces at De Vargas Mall, 75 spaces at St. John's Methodist Church, 200 spaces at the Railyard parking structure and 71 spaces across the street from the capitol and Kaune's Food Market. Ms. Tackett went on to note that the spaces at the Railyard garage are only available from 6:15 a.m. until 10:00 p.m. from Monday through Friday, and 200 validation slips would be available each day from the front desk of the LCS. She also pointed out that the Department of Transportation would offer shuttle service to and from the lots at De Vargas Mall and St. John's Methodist Church. Ms. Tackett indicated that another shuttle would serve the Railyard lot, but that it would only run when the Railrunner departs or arrives at the Railyard.

### **Legislative Budget Option**

Ms. Tackett explained that, in response to fiscal year 2009 budget solvency issues, all agencies have been asked to cut their budgets by 2.5 percent. She went on to note that the proposed cuts from the legislative budget could come from three sections of the 2008 Feed Bill: the LCS, including interim expenses and pre-session expenses, and Legislative Information Systems (LIS). Ms. Tackett indicated that a 2.5 percent reduction in the legislative budget would total about \$295,000, but it was her recommendation that neither the House and Senate chief clerks' 2009 budgets nor the Legislative Education Study Committee's (LESC) 2009 budget could sustain the 2.5 percent cut and the legislative amount, except for the Legislative Finance Committee (LFC), could come from the LCS and LIS.

The council approved the proposed budget cut and suggested that it be the first section of a solvency bill.

Ms. Tackett went on to explain that the LFC also recommends a two percent cut in the fiscal year 2010 budget.

Representative Martinez expressed his desire to have some flexibility built into any proposed 2010 budget cut, rather than imposing an across-the-board cut. Ms. Tackett indicated that language could be added to the Feed Bill to reflect Representative Martinez's concerns.

Ms. Tackett noted that the council authorized appropriations from the legislative cash balances account in the amount of \$200,000 for two upcoming conferences and \$400,000 for the New Mexico Compilation Commission. She went on to explain that the Feed Bill would also have to include LIS needs and funding to begin the redistricting process. Ms. Tackett indicated that the account's balance is \$2.7 million, but that the legislature usually keeps about \$1 million in the account to fund special sessions, and she indicated the council could authorize the Feed Bill to take all of the appropriations from cash balances, which would leave about \$1 million in the account.

The council suggested that LIS needs be appropriated from the general fund and that \$500,000 to begin redistricting come from cash balances.

Terry Bollanger of Technet provided the council with a proposal to use the legislature as a test site for Technet's communication system. He explained that the system provides a way to contact a large number of people quickly and that a mechanism for responses is also included. Mr. Bollanger also noted that the system is password-protected.

In response to a question from Representative Bratton regarding security issues, Mr. Bollanger explained that the system, while not entirely different from regular text messaging, is encrypted and password-protected with a federally certified server, which provides a very high level of security. He also noted that allowing Technet to test its system on the legislature comes at no cost.

On a motion made, seconded and approved, the council appointed Representatives Martinez and Bratton and Senators Cravens and Wirth to a subcommittee to study Technet's proposal, with Senators Ingle and Sanchez voting NO. The council also authorized the subcommittee to decide on a course of action, since the council would not meet again until after the session.

### **Staff Reports**

Brenda Costello, director of the New Mexico Compilation Commission, offered training to the legislature on One Source, the annual compilation of the NMSA on DVD that is published by the New Mexico Compilation Commission. Ms. Tackett thanked Ms. Costello and also thanked Loretta Barela, deputy director of the New Mexico Compilation Commission and former legislative staffer, for all her efforts in helping to maintain the integrity of New Mexico's statutes.

Ms. Tackett explained that it had been recommended that a committee composed of representatives from the LFC, LESC, LCS, chief clerks' offices and the building superintendent be created to work on issues related to a loss control policy. She explained that the law states that each agency should have such a policy and that the council would have to authorize this committee.

On a motion made, seconded and unanimously approved, a motion to create a committee to discuss issues related to loss control policies was adopted.

Ms. Tackett presented the council with a copy of the LIS waiver given to legislators. She explained that while members are allowed to use their own computers to access the LIS network, staff cannot work on or maintain personal computers. She went on to note that staff would have to confirm that a member's personal computer conformed to the minimum required standards before they could access the LIS network and explained that the LIS waiver outlined what is and is not allowed.

In response to a question from Representative Arnold-Jones, Ms. Tackett explained that the legislature currently does not have an agreement with Blackberry to allow for applications such as calendar updates, but that the attorney general does and that the legislature could probably piggyback on that agreement.

Ms. Tackett went on to note that the legislature would likely be reviewing some capital outlay projects and that some of those projects that had been jointly sponsored present some confidentiality issues. She explained that the LCS would like to be able to share charts with multiple legislators who had sponsored the same project, but emphasized that those charts would only be made available to the sponsors themselves. Ms. Tackett explained that this would allow the sponsors to work together on reauthorization of those projects.

The council directed staff to draft a memo explaining the situation to the members and emphasized the importance of confidentiality to the process.

In response to a question from Representative Bratton, Ms. Tackett explained that the rule adopted by the legislature would not allow the solvency bills proposed by the LFC to be introduced into both houses. Speaker Lujan also noted that the council could not change a rule adopted by the entire legislature to make it possible to introduce the bills into both houses.

The council then discussed the differences between the solvency plans proposed by the governor and the legislature. Representative King noted that while both parties were fairly close to agreement on some issues, there was still significant disagreement on the issue of capital outlay. Several members complained that the governor had not shared enough information with the legislature to begin to develop a solvency plan.

The speaker emphasized the need for cooperation in coming up with a solvency plan, indicating that forming a committee to review projects and make recommendations to the

caucuses about projects whose funding should be cut could be a likely process. Speaker Lujan also pointed out that fiscal year 2009 solvency issues would have to be resolved before work on next year's budget could begin.

Senator Jennings indicated that some senators feel as though the Senate was singled out by the governor when he vetoed some of the 2008 capital outlay projects and that they expect to be treated fairly this time, applauding the fiscal restraint shown by the Senate, which he indicated has helped the budget deficit not to be even larger.

There being no further business, the council adjourned at 12:00 noon.