



**MINUTES
of the
TWO HUNDRED NINETY-SEVENTH MEETING
of the
LEGISLATIVE COUNCIL
October 5, 2005
Santa Fe**

The two hundred ninety-seventh meeting of the Legislative Council was called to order on Wednesday, October 5, at 1:50 p.m. in Room 307 of the State Capitol by Representative Ben Lujan, co-chair.

PRESENT

Senator Ben D. Altamirano, Co-Chair
Representative Ben Lujan, Co-Chair
Senator Pete Campos
Senator Kent L. Cravens
Senator Joseph A. Fidel
Representative Ted Hobbs
Senator Timothy Z. Jennings
Representative Terry T. Marquardt
Representative W. Ken Martinez
Representative Rick Miera
Senator Leonard Lee Rawson
Senator Michael S. Sanchez
Representative Sheryl Williams Stapleton
Representative Jeannette O. Wallace

ABSENT

Senator Stuart Ingle
Representative Donald L. Whitaker

Special Advisory Members Present

Representative Donald E. Bratton
Senator Carlos R. Cisneros
Senator Mary Jane M. Garcia
Representative Patricia A. Lundstrom
Representative James Roger Madalena
Senator Cisco McSorley
Senator Steven P. Neville
Senator Lidio G. Rainaldi
Representative Debbie A. Rodella
Senator John Arthur Smith
Representative Joe M. Stell

Special Advisory Members Absent

Senator Dianna J. Duran
Representative Justine Fox-Young
Senator John T.L. Grubestic
Representative Irvin Harrison
Representative Al Park
Senator William H. Payne
Representative Teresa A. Zanetti

Staff

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

INTERIM COMMITTEE REQUESTS

A request by the Mortgage Finance Authority Act Oversight Committee to cancel its October meeting and instead meet in Albuquerque in December was approved.

A request by the Indian Affairs Committee to meet in December should its October meeting be canceled as a result of the special session was approved. Senator Rawson suggested that interim committees requesting December meetings hold those meetings in early December so that staff will be able to devote most of December to drafting bills for the upcoming regular legislative session.

A request by the Funding Formula Study Task Force to meet in Carlsbad on November 7-8 and in Santa Fe on November 31 and December 1 instead of its scheduled meetings was approved.

A request by the Election Reform Task Force to meet in December to consider legislation was approved. The council reminded staff to schedule the meeting for early December.

A request by the Information Technology Oversight Committee for per diem payments for committee members attending the Lieutenant Governor's Conference on Identity Theft on October 17 was approved. The committee also requested that its November meeting date be changed to coincide with the Legislative Finance Committee's November hearing on information technology, which was approved.

SPECIAL SESSION PREPARATION

Kathy Pacheco-Dofflemeyer provided the council with information regarding special session logistics such as telephones, staff and mail. She reminded the council that only a small number of additional staff is typically hired for special sessions, and that while the telephones in individual legislator's offices will be working, those in the suites will not. Therefore, Ms. Pacheco-Dofflemeyer explained, the leadership offices will function as message centers for legislators for the duration of the special session. She also noted that the print shop on the third floor of the Capitol will serve as the bill room and mail room, but that outgoing mail will have to be in the print shop by 3:00 p.m. in order to go out that day. Ms. Pacheco-Dofflemeyer also discussed food service, parking, capitol security and emergency medical services.

Margaret Larragoite, chief clerk of the Senate, and Steve Arias, chief clerk of the House of Representatives, also discussed special session preparation. Mr. Arias noted that the coffee shop on the first floor of the Capitol will operate on a limited basis and will begin service at 7:30 a.m. each morning. Ms. Larragoite explained that all offices will open at 7:00 a.m. and that the

key cards issued to members will continue to work on offices. She also noted that members of the Sergeant at Arms staff will function as committee attendants for those standing committees that will be meeting for the special session.

OTHER BUSINESS

Paula Tackett requested authorization from the council to include \$500,000 from cash balances in the feed bill for expenses that might be incurred in the investigation of whether to impeach the state treasurer. She indicated that the money will be used primarily for the duties associated with the House of Representatives with regard to impeachment and noted that research has shown that impeachment proceedings are generally expensive undertakings and that there will probably need to be additional funding for the Senate's involvement in impeachment proceedings.

Speaker Lujan reminded the council that there were a number of members of the public and a new member of the media, a reporter from the *Albuquerque Journal*, in the audience and asked staff to explain the workings of the legislative cash balances account. Ms. Tackett indicated that the cash balances account comes from money left over from regular and special sessions. She pointed out that funding for special sessions comes out of legislative cash balances. Ms. Tackett also noted that in the event the Legislature needs to call itself into extraordinary session, legislative cash balances will be available. However, she noted that funds cannot be spent from the account unless they are appropriated by the Legislature.

In response to a question from Senator Jennings regarding impeachment, Ms. Tackett explained that one house may not adjourn for more than three days without the permission of the other house. Therefore, she noted that if the House became involved in a lengthy impeachment proceeding, the Senate could either adjourn for three days and then return or send a message to the House asking for its permission to leave for more than three days. She also noted that the House could do the same thing if similar Senate proceedings become necessary. However, Ms. Tackett also pointed out that if one house makes a motion to adjourn and does not have the permission of the other house, it must return in three days.

STAFF REPORTS

Ms. Tackett provided the council with the resumes of two nominees for the Capitol Art Foundation, Cecilia O. Torres and Barbara Lucero Sand.

In response to a question from Senator Rawson, Ms. Tackett indicated that the Capitol Art Foundation is made up of about 30 members, and that a number of the members of the foundation come from southern New Mexico.

On a motion made, seconded and unanimously passed, the council approved the appointments of Cecilia O. Torres and Barbara Lucero Sand to the Capitol Art Foundation.

There being no further business, the council adjourned at 2:15 p.m.