



**MINUTES
of the
THREE-HUNDRED-TWENTY-EIGHTH MEETING
of the
LEGISLATIVE COUNCIL
January 18, 2010
Santa Fe**

The three-hundred-twenty-eighth meeting of the Legislative Council was called to order on Monday, January 18, 2010, at 10:20 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 Dianna J. Duran
Representative Keith J. Gardner
Senator Stuart Ingle
Representative Rhonda S. King
Representative W. Ken Martinez
Representative Rick Miera
Senator William H. Payne
Senator Michael S. Sanchez
Representative Sheryl Williams Stapleton
Representative Thomas C. Taylor
Representative Jeannette O. Wallace

Absent

Senator Cisco McSorley

Special Advisory Members Present

Representative Anna M. Crook
Senator Mary Jane M. Garcia
Representative Antonio Lujan
Representative James Roger Madalena
Senator George K. Munoz
Senator John Arthur Smith

Special Advisory Members Absent

Representative Eliseo Lee Alcon
Representative Donald E. Bratton
Senator Pete Campos
Senator Kent L. Cravens
Representative Brian F. Egolf, Jr.
Representative Al Park

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

On a motion made, seconded and unanimously approved, the minutes of the December 17, 2009 meeting were approved as submitted.

Session Security

Captain Thomas J. Dobson, New Mexico State Police, provided the committee with an overview of planned security measures for the 2010 legislative session. He explained that the building would be swept for explosives that evening and that a smaller number of state police officers would be used to provide coverage for the capitol and capitol north buildings during the session. Captain Dobson noted that the capitol security detail would consist of three shifts of seven officers and that a captain and two sergeants would also be on duty at all times. He also pointed out that at least one female officer would be on duty at all times.

In response to a question from Senator Cisneros, Captain Dobson indicated that the parking facility would also be swept and monitored by the state police during the session.

Several members of the council expressed concern over the smaller number of officers assigned to cover the capitol. They pointed out that discussions over budget cuts would likely produce a contentious atmosphere during the upcoming session and that some members had received threats regarding budget cuts and salary reductions. Captain Dobson assured the members that the state police would work to keep both legislators and the public safe during the session and noted that additional officers from neighboring state police districts were not far away and could be called to the capitol within an hour. He also noted that additional officers could be assigned to the capitol for busy days.

Members of the council suggested several potential solutions to the issue of increasing security in and around the capitol for the session, including:

- adding additional money to the feed bill to pay for more state police officers;
- contacting the county sheriff about using deputies in the capitol;
- using staff from the Law Enforcement Academy as additional security officers;
- providing additional training to House and Senate sergeants-at-arms and using them to help provide additional security; and
- having uniformed cadets from the Law Enforcement Academy visit the capitol to increase the visibility of capitol security.

Peter Kovnat and Kimberly Bannerman, recently hired staff attorneys for the LCS, were introduced to the council.

Capitol Parking Facility

Ms. Tackett provided the council with an update regarding the policies in place for the capitol parking structure during the session. She reminded the council that this session would serve as a pilot to help determine what works and what does not. Ms. Tackett also pointed out that there will likely never be enough parking spaces around the capitol to satisfy the demand for them during the session. She explained that parking space assignments for agencies, staff, high-

occupancy vehicles and the public had already been made and that two attendants had been hired for the session. Ms. Tackett also indicated that the parking facility would be open from 6:00 a.m. until 12:00 a.m. or 30 minutes after the conclusion of the last meeting in the building, whichever comes later.

In response to a question from Representative Stapleton, Ms. Tackett indicated that the policy could be modified by the council to offer discounts to some legislative staff members.

In response to a question from Senator Duran, Ms. Tackett noted that a limited number of reserved spaces was available for \$360 and that staff would know by the end of the week if there was significant demand for those spaces.

On a motion made, seconded and unanimously approved, the council approved the proposed parking facility policy for the session.

Staff Reports

Ms. Tackett reminded the council that the State Capitol would remain open 24 hours a day during the session, but she noted that some consideration was being given to closing the building if only a small number of staff were present.

In response to a question from Representative Miera, Ms. Tackett explained that members' cards can be used to enter and leave the building once it is closed.

Ms. Tackett and Ms. Pacheco-Dofflemeyer discussed the Fiscal Year 2011 budget, explaining that some direction from the council was necessary in order to draft the feed bill. Ms. Tackett explained that both the Legislative Finance Committee (LFC) and the governor were recommending a 4 percent reduction in the state budget for Fiscal Year 2011, which the legislature could choose to impose upon itself through the feed bill. She noted that the matter was further complicated by the fact that the legislature passed, and the governor signed, a 5.4 percent reduction in the legislative budget during the 2009 special session. Ms. Tackett pointed out that reducing the budget approved by the legislative feed bill during the 2009 regular session by only 4 percent would actually look like an increase of over 1 percent from the 2009 special session number.

The council had a lengthy discussion about how to reduce the legislative budget, what percentage of reduction was appropriate and the ramifications of making further reductions to a legislative budget that has already been cut significantly. Members noted that cutting staff, which citizen legislators depend upon heavily, would put severe strain on the institution. They also discussed the effects that budget cuts would have on various legislative agencies.

David Abbey, director of the LFC, noted that about 3 percent of the 5.4 percent budget reduction passed during the special session came from nonrecurring sources, so maintaining a 5.4 percent reduction from the Fiscal Year 2010 budget approved last January, or reducing it further, would require cutting some recurring expenditures.

On a motion made, seconded and unanimously approved, a 5.3 percent reduction from the Fiscal Year 2010 budget was approved for the Fiscal Year 2011 budget included in the 2010 feed bill.

Ms. Tackett noted that other items included in the feed bill would be a flat \$562,900 for the Legislative Information Systems budget, \$400,000 for the legislature's share of the HML tagging and statutory work with the Compilation Commission and \$250,000 from legislative cash balances for redistricting legal support.

Mr. Burciaga noted that Ennis Knupp could not come back the first weekend of the session to present the results of its operational and fiduciary review of the state's investment agencies but that another time could be worked out.

Senator Smith noted that the campaign reporting system on the secretary of state's web site is not working properly and that addressing issues related to the system may need to be made germane to the 2010 session.

There being no further business, the council adjourned at 12:05 p.m.