



**MINUTES  
of the  
THREE-HUNDRED-SEVENTY-NINTH MEETING  
of the  
LEGISLATIVE COUNCIL  
August 27, 2018  
Santa Fe**

The three-hundred-seventy-ninth meeting of the Legislative Council was called to order on Monday, August 27, 2018, at 1:50 p.m. in Room 307 of the State Capitol by Representative Brian Egolf, co-chair.

**Present**

Rep. Brian Egolf, Co-Chair  
Sen. Mary Kay Papen, Co-Chair  
Sen. Carlos R. Cisneros  
Rep. Zachary J. Cook  
Rep. Candy Spence Ezzell  
Rep. Doreen Y. Gallegos  
Rep. Roberto "Bobby" J. Gonzales  
Sen. Stuart Ingle  
Sen. William H. Payne  
Sen. Clemente Sanchez  
Sen. John Arthur Smith  
Rep. Sheryl Williams Stapleton  
Sen. James P. White  
Sen. Peter Wirth

**Special Advisory Members Present**

Sen. Pete Campos  
Rep. Kelly K. Fajardo  
Rep. Jason C. Harper  
Rep. Rick Little  
Sen. Cisco McSorley  
Sen. Michael Padilla  
Rep. Jane E. Powdrell-Culbert  
Rep. Debbie A. Rodella  
Sen. William E. Sharer  
Sen. Mimi Stewart  
Rep. Elizabeth "Liz" Thomson  
Rep. Carl Trujillo  
Rep. Jim R. Trujillo

**Absent**

Rep. Nate Gentry  
Rep. Rod Montoya

**Special Advisory Members Absent**

Rep. Eliseo Lee Alcon  
Rep. Deborah A. Armstrong  
Rep. Gail Chasey  
Rep. Rebecca Dow  
Sen. Ron Griggs  
Sen. Daniel A. Ivey-Soto  
Rep. Georgene Louis  
Rep. Antonio Maestas  
Sen. George K. Munoz  
Sen. Steven P. Neville  
Sen. Cliff R. Pirtle  
Rep. Patricia Roybal Caballero  
Sen. Benny Shendo, Jr.

## **Staff**

Raúl E. Burciaga, Director, Legislative Council Service (LCS)  
Amy Chavez-Romero, Assistant Director for Drafting Services, LCS  
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS  
Jon Boller, Senior Staff Attorney, LCS  
Jeret Fleetwood, Researcher, LCS

## **Approval of Minutes**

On a motion made, seconded and passed, the minutes of the June 26, 2018 meeting were approved as submitted.

## **Request for Use of Capitol Chambers**

Mr. Burciaga said that one request had been made for use of both chambers. Senator Jacob R. Candelaria and former Representative James E. Smith had sponsored a request on behalf of the New Mexico Speech and Debate Association for use of both chambers on September 12, 2018.

On a motion made, seconded and passed, the motion for use of both chambers on September 12, 2018 by the New Mexico Speech and Debate Association was approved.

## **Interim Committee Requests**

Mr. Burciaga said that there were several requests on behalf of interim committees:

- the Legislative Health and Human Services Committee (LHHS) requested to change the location of its September 26-28 meeting from Albuquerque to Las Cruces;
- the LHHS also requested authorization to hold one day of its October meeting in Hernandez, in conjunction with an alcohol use disorder summit hosted by the Rio Arriba County Department of Health and Human Services. Mr. Burciaga noted that the meeting date had already been approved by the council, but because the proposed meeting date and location were outside of the State Capitol after September 30, the request required council approval;
- Senator Nancy Rodriguez, on behalf of the Mortgage Finance Authority Act Oversight Committee, requested that members of the committee be authorized to receive per diem and mileage reimbursement for attendance at the New Mexico Mortgage Finance Authority's 2018 New Mexico Housing Summit, scheduled for September 12-14 in Albuquerque;
- the Courts, Corrections and Justice Committee (CCJ) requested an extra meeting day in Santa Fe;
- the LHHS and CCJ requested that a subcommittee made up of members from both committees be appointed to provide guidance to the Children, Youth and Families Department regarding the federal Family First Prevention Services Act of 2017, which addresses child abuse and neglect issues. A plan must be submitted by October 1, 2018 to be eligible for federal funding under that act;

- the Criminal Justice Reform Subcommittee (CJRS) requested four extra meeting days;
- Mr. Burciaga clarified that while per diem and mileage reimbursement had been authorized for members attending past meetings of a task force convened by former Chief Justice Edward L. Chavez, approval would be required for additional meetings; and
- the Council of State Governments (CSG) was seeking funding from The Pew Charitable Trusts for criminal justice reform initiatives. Letters from the speaker, president pro tempore, majority and minority floor leaders, chief justice of the supreme court and the governor had been sent to The Pew Charitable Trusts through the CSG indicating the state's commitment to criminal justice reform. Should funding from The Pew Charitable Trusts be provided to New Mexico, the CJRS requested per diem and mileage reimbursement for work on a criminal justice reform task force.

On a motion made, seconded and passed, the council approved the requests made by interim committees.

Representative Egolf said that he and Senator Papen would meet with the chairs of the CCJ and CJRS, along with former Chief Justice Chavez, to coordinate the work of the various committees and subcommittees to try to ensure that work is not being duplicated.

### **School Security**

Senator Stewart provided the council with an overview of the work done by the Legislative Education Study Committee regarding school security, noting that the committee had already held three meetings on the subject. She also said that each school is required to have a school safety plan and to update that plan every three years. Senator Stewart also explained that the committee chose to meet in Aztec because of the December 2017 school shooting that claimed the lives of two students. She reviewed the events of the school shooting, pointing out that existing school security training and procedures were in place and likely saved the lives of many more students.

Senator Stewart also discussed the use of capital outlay funding to improve school security, noting that the legislature made \$46 million available to school districts to improve security, \$6 million of which is not tied to state statute, with the remaining \$40 million tied to the capital outlay process and requiring local funding matches and involving offsets from individual legislator's capital outlay appropriations. She also noted that school districts are aware of the statutes that must be followed concerning capital outlay, pointing out that, to date, 288 applications for funding have already been submitted to the Public School Capital Outlay Council (PSCOC).

Senator Stewart went on to discuss mental and behavioral health issues, which she said were identified by students in Aztec as the most important school security issues. She identified several initiatives that might be helpful in improving available mental health services for

students, such as daily mental health checks, use of the University of New Mexico's Project ECHO resources to better provide mental health services to people in rural areas of the state, the PAX Good Behavior Game and so-called red-flag laws to empower law enforcement to intervene before crimes are committed.

Senator Stewart also discussed other potential ways of addressing school security issues, such as increasing penalties for certain crimes and creating a licensing framework for school security personnel.

David Abbey, director, Legislative Finance Committee (LFC), also provided the committee with testimony regarding school safety, noting that the LFC also held a hearing on school safety. He noted that there are a number of already existing tools available for schools and school districts, such as assessments and online school security kits. Mr. Abbey noted that the Homeland Security and Emergency Management Department's Fusion Center, where various threats are managed, could use some attention. He noted that the need for additional training is an operational expense. Mr. Abbey stated that many suggested improvements, such as including school security as part of the Public School Facilities Authority's (PSFA's) advocacy standards, are already under way.

Mr. Abbey discussed efforts, detailed in a report by the PSFA, already taken and currently under way to address school security, such as workshops conducted in April and guidelines issued in May. He noted that the LFC has proceeded cautiously up to this point to avoid simply throwing money at the problem without careful planning.

Mr. Abbey discussed appropriating \$10 million, and up to \$16 million, for security upgrades, noting that while there has been discussion regarding offsets, it could create an equity issue, in part because of adequacy issues that are still being litigated. He pointed out that districts have been applying for funding from the PSCOC in two areas: (1) security; and (2) systems, with a second round of systems awards to come soon.

Questions and comments from the council included:

- differing penalties for making threats against a school;
- difficulties encountered by Aztec law enforcement in reuniting parents and their children after the school shooting;
- difficulties for Aztec law enforcement involving citizens with firearms descending on the school to protect it;
- mental health strategies that would be included as operational needs and therefore would not be available for funding through any available public school capital outlay funds;
- mental health training and programs that are available for school personnel;

- that site visits are required as part of school safety plans, and the Public Education Department, PSFA and Public School Insurance Authority have been visiting school districts to ensure that schools are making and updating safety plans;
- the potential of working with Sandia National Laboratories and Los Alamos National Laboratory on improving school safety;
- that each school requires different safety plans and measures, and many preventive measures already in place appear to be working;
- that arming teachers may not work, but contracting with retired law enforcement officers is one option for improving school safety;
- that definitions for school security personnel need to be updated;
- options for improving security on school buses;
- that capital outlay funding for school security will go to school districts in October;
- the importance of using school security funding and not letting unspent funds languish; and
- that some school districts can implement security improvements without state funding, but many more cannot, so getting funds to school districts quickly is important.

Representative Egolf invited Senator Stewart and Mr. Abbey to come back before the council after funding has been awarded to school districts.

### **Executive Session — Capitol Security**

On a motion made, seconded and passed, the council went into executive session to discuss capitol security.

Upon returning from executive session, on a motion made, seconded and passed, the council authorized creation of a Capitol Security Subcommittee. Mr. Burciaga advised that nothing was discussed in executive session other than capitol security.

### **Staff Reports**

Mr. Burciaga said that a stipulated order has been issued by the First Judicial District Court regarding transfer of the Mesilla Valley Bosque State Park from the Energy, Minerals and Natural Resources Department to the Department of Game and Fish (DGF) stating that the DGF shall not engage in any construction activity at the park or transfer its southern headquarters to the park and that the park shall remain open while the case is pending.

In response to a question regarding the tax study and modeling software provided to the legislature via a contract with Ernst & Young, Mr. Burciaga explained that the tool is proprietary, but it can be used to analyze any bill for the legislature and that fiscal impact reports will likely contain some analysis produced by the software.

In response to another question, Mr. Burciaga explained that Ernst & Young negotiated that the software be proprietary, so New Mexico likely cannot sell it.

There being no further business, the council adjourned at 3:50 p.m.