

**MINUTES
of the
FIFTH MEETING
of the
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**September 24-25, 2018
University of New Mexico Science & Technology Park Rotunda
851 University Boulevard SE
Albuquerque**

The fifth meeting of the Courts, Corrections and Justice Committee (CCJ) was called to order by Senator Richard C. Martinez, co-chair, on September 24, 2018 at 9:58 a.m. at the University of New Mexico (UNM) Science and Technology Park Rotunda in Albuquerque.

Present

Rep. Gail Chasey, Co-Chair
Sen. Richard C. Martinez, Co-Chair
Rep. Eliseo Lee Alcon (9/24)
Sen. Gregory A. Baca
Sen. Jacob R. Candelaria
Rep. Zachary J. Cook (9/24)
Rep. Jim Dines
Sen. Linda M. Lopez
Rep. Antonio Maestas (9/25)
Rep. Sarah Maestas Barnes (9/24)
Sen. Cisco McSorley
Rep. William "Bill" R. Rehm
Sen. Sander Rue

Absent

Rep. Javier Martínez
Rep. Angelica Rubio

Advisory Members

Sen. Bill B. O'Neill
Sen. John Pinto
Sen. Mimi Stewart
Rep. Christine Trujillo
Sen. Peter Wirth (9/25)

Rep. Deborah A. Armstrong
Sen. William F. Burt
Rep. Brian Egolf
Rep. Doreen Y. Gallegos
Sen. Daniel A. Ivey-Soto
Sen. William H. Payne
Rep. Patricia Roybal Caballero

Guest Legislator

Sen. Gerald Ortiz y Pino (9/25)

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Celia Ludi, Staff Attorney, Legislative Council Service (LCS)
Randall Cherry, Staff Attorney, LCS
Erin Bond, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Monday, September 24**Call to Order and Introductions**

Senator Martinez welcomed the committee and the audience. Members and staff introduced themselves.

UNM School of Law (SOL) Update

Sergio Pareja, dean, UNM SOL, introduced himself and informed the committee that Alfred Mathewson, who has presented to the committee in previous years, completed his term as co-dean on August 1, 2018. Mr. Mathewson plans to retire in December at the conclusion of the school semester. Dean Pareja noted that several UNM SOL professors are expected to retire in the near future, including Professor James Ellis and Professor Scott Hughes. Dean Pareja is now the sole dean, and Professor Camille Carey has been appointed the vice dean.

Dean Pareja stated that UNM SOL's state bar examination passage rate for first-time takers in July 2018 was 85%, up from 68% in July 2016 but down from 91% in 2017. The statewide first-time takers passage rate was 71%. Dean Pareja noted that UNM SOL is not a state bar prep school, and many necessary skills for lawyers are not measured by the state bar examination but are taught at UNM.

UNM SOL was approved by the provost to hire up to six new professors, although UNM's recent revenue shortfall may impact the number actually hired. Dean Pareja hopes to find professors with experience in oil and gas, civil procedure, constitutional law, criminal law or property law. A faculty appointment committee composed of 10 members has been established and is accepting applications. The committee will attend a recruiting conference hosted by the Association of American Law Schools. The committee will pick applicants who will then be approved by the faculty.

Dean Pareja reported that a new law class started in August. The median Law School Admission Test score was 153, and the median grade point average was 3.4. Of the 611 applications submitted, 106 first-year law students and nine master of studies in law degree students were accepted. The 2018 class is smaller than previous years; in 2017, UNM SOL had

more than 700 applications, and 120 law students were accepted. While New Mexico universities have seen a statewide decline in enrollment, Arizona State University has seen an increase. Dean Pareja expressed concern that students, particularly high-performing ones, are being poached by out-of-state schools that can offer full scholarships. Rather than lower UNM SOL's admission standards, a smaller class was accepted for 2018.

Eighty-five percent of the class are New Mexico residents with an average age of 28, although student ages range from 21 to 61 years old. The class is 51% minority and 58% female.

In response to members' questions on faculty diversity, Dean Pareja explained that the faculty appointment committee members are undergoing diversity training, with a focus on implicit bias. The committee members are encouraged to preplan their questions for the interviews to maintain consistency for all interviewees. Of UNM SOL's current faculty, seven are Native American, five are Hispanic, two are African American and one is Asian American. Professional experience among faculty members is less diverse, as academia has formerly viewed work experience as not academic enough for a professor. However, many of the newer members of the faculty have experience outside of academia.

Dean Pareja stated that UNM SOL recognizes the differences between the classroom and the real world and looks for ways to add practice-oriented classes to the curriculum. Such classes include "Law Practice Management" and "Criminal Law in Practice". Dean Pareja agreed with a committee member that such classes often do not appeal to students focused only on passing the bar exam, but he noted that the "Evidence and Trial Practice" course is very popular with students.

Probation and Parole, Community Programming

David Jablonski, secretary, Corrections Department (CD), and Phillipe Rodriguez, acting director, Administrative Services Division, CD, presented to the committee on the CD's plans for the remainder of the year. The Criminal Justice and Public Safety Task Force will hold its final meeting on October 4, and Justice Edward L. Chavez, to whom the CD had offered several reform recommendations, is expected to present a final report that the CD will study. The CD will also meet with Carl Reynolds from the Council of State Governments (CSG) Justice Center for the working group approved by the governor. Additionally, the CD is working with the Legislative Finance Committee (LFC) on evaluations of medical contracts in state prisons. Dr. Travis McIntyre is expected to report the LFC's findings at an upcoming CCJ meeting.

The CD has calculated that approximately one-half of former detainees recidivate. However, Secretary Jablonski indicated that most cases are due to parole violations, not new charges. Recidivism definitions vary from state to state, and Secretary Jablonski offered several ways that New Mexico could change its definition, including expanding the recidivism measurement time frame from three years to five years and reframing the definition to better measure new charges and habitual offenders rather than technical violations. Secretary Jablonski

suggested that technical parole violations would be reduced if violations are swiftly responded to with time in county jail rather than waiting for time in state prison.

Secretary Jablonski explained that in-house parole is a necessary but unfortunate practice for inmates eligible for release. New Mexico statutes mandate that an individual with a felony conviction must serve a one- to two-year parole term. Caseworkers help inmates create a release plan, which then must be approved by the Parole Board. It was noted that developing release plans is difficult when short sentences are combined with time rewarded for good behavior. Inmates may spend less than six months in the facility, although many parole plans take longer than that to develop and approve.

Release plans must include an address or home to which the inmate will parole, or the plan will be denied. In some situations, the inmate is not welcome at the address or home listed, but the residents are uncomfortable informing the individual. In such cases, halfway houses and transitional facilities are the preferred alternative. However, Secretary Jablonski stated, New Mexico must increase the capacity of halfway houses and transitional living facilities to reduce both in-house parole and recidivism rates. In Albuquerque, 260 male former inmates and 140 female former inmates are in transitional housing. In the remainder of the state, only 100 men and 10 women are in transitional housing. Due to the lack of appropriate facilities around the state, dangerous or at-risk people come to Albuquerque for services, overwhelming the systems there.

Secretary Jablonski pointed out to the committee that an uneven distribution of services also impacts community correction efforts. Rural areas lack behavioral health providers. While there are 17 approved providers statewide, seven of those are in Albuquerque. The remaining 10 are scattered across New Mexico. Secretary Jablonski informed the committee that the 17 behavioral health providers have contracts with the CD to provide drug treatment and behavioral health care. He expressed concern that providers must provide quality services to be effective. Remote providers can be more difficult to monitor for effectiveness, and providers with large caseloads may not be able to adequately serve individuals.

Secretary Jablonski highlighted other changes coming to the CD. The Criminal Management Information System will replace the 18-year-old system currently in use. The new system will merge the old offender management system with risk-assessment tools and is expected to substantially reduce time spent entering data into multiple systems. The Criminal Management Information System will be web-based to allow data-sharing among agencies. Individuals will be assigned a unique identifier to track them through multiple aspects of the criminal justice system rather than an identification number at each department or agency. The new system is expected to be up and running in six to eight months.

Other initiatives include introducing evidence-based practices into privately run prisons, improving prison health care provided by contracts with Centurion Correctional Healthcare of New Mexico and decreasing staff vacancy rates.

In response to a committee member's question, Secretary Jablonski explained that some states measure recidivism by counting any arrest as a re-offense. Other states do not include technical violations in their measurements and only count felonies for recidivism purposes. The number of technical violations allowed before an individual is reincarcerated may vary. A judge may place a parolee struggling with addiction on intensive monitoring rather than send him or her to prison. Alternately, the Parole Board may take a zero-tolerance stance and reincarcerate an individual after a first violation due to substance abuse. A member expressed concern that a parole violator may abscond if he or she is not reincarcerated. Secretary Jablonski communicated a belief that swift response and sanctions would prevent absconding by allowing the CD to take control of the situation and place the individual in a recovery house or county jail. To further that cause, the CD will request more funding in its budget to open halfway houses, county jails and specialty programs like drug courts. Secretary Jablonski noted that 25% of released individuals are discharged without supervision; studying this subset could illuminate the effect of supervision on recidivism rates.

In response to members' questions on staff vacancy rates, Secretary Jablonski stated that the CD had approximately a 22% staff vacancy rate in 2018. While pay raises have helped recruit more staff, retirement rates have prevented any change in staffing numbers. Private prisons in rural areas struggle with a limited labor pool and have 30% to 33% vacancy rates. Secretary Jablonski stated that new hires and inexperienced officers take time to train; they must learn the most effective ways to respond to and help parolees. The secretary said that placing parole and probation under separate agencies would result in wasted resources and miscommunication.

Secretary Jablonski explained that many of the state's prison facilities are approximately 35 years old and are in need of repairs. Wardens are advised by their maintenance teams when creating priority lists, which then go to the General Services Department (GSD). The GSD compiles the lists and reviews needs. Engineers from the GSD can inspect and advise on facility needs, but there is no independent review of facilities. Secretary Jablonski stated that emergencies take priority and often eat up budgets. A member reminded the committee that the CD's budget requests have not been met, and they increase every year as facilities fall further into disrepair.

Laura Peele, a parolee and a client of Maya's Place — Crossroads for Women, expressed concern that there are not enough residential drug abuse or intensive outpatient programs for individuals transitioning from prison. Ms. Peele was accepted to nine programs while preparing for release, but the Parole Board rejected them all. Programs that are approved are often at overcapacity, and Ms. Peele hopes that the CD would approve more programs. Secretary Jablonski informed the committee that programs are approved by a judge and the Parole Board because some programs exist to take advantage of vulnerable parolees.

Legislative Subcommittee of the New Mexico Attorney General Task Force on Domestic Minor Sex Trafficking

April Land, professor, UNM SOL, and co-chair, Legislative Subcommittee of the New Mexico Attorney General Task Force on Domestic Minor Sex Trafficking, introduced Christina Vasquez and Simon Suzuki, students at UNM SOL, and Susan Loubet, New Mexico Women's Agenda. Professor Land explained that the subcommittee is seeking to end the prosecution of children for sex trafficking. Current New Mexico law states that if a child sells sex, he or she is a delinquent child and can be charged with prostitution. By removing child prostitution from the Children's Code, New Mexico will fall into line with federal standards and become eligible for funding. Law enforcement will be encouraged to view children as victims, and children will feel safer when reaching out to law enforcement for assistance.

Various pathways to protection for child victims exist. State law mandates that victims of human trafficking are eligible to receive services and benefits through the Children, Youth and Families Department (CYFD) or the Human Services Department (HSD). Services and benefits include case management, mental health counseling, drug addiction treatment and advocacy services. The CYFD must create permanency plans for abused and/or neglected children in protective services; plans for education and health must be individualized to a child's best interests. Additionally, children involved in families in need of court-ordered services must receive an individualized plan and services to help the transition to independent living. By framing minors in sex trafficking as victims and not delinquents, they could more easily receive the services needed to reintegrate them to everyday life.

Professor Land provided the committee with possible legislation to expressly exclude prostitution as a delinquent act and to connect human trafficking victims to services. She acknowledged that few children were prosecuted under current laws, but she said that even one case is too many. Members of the subcommittee and task force were unanimous in their support of the draft legislation.

Ms. Loubet stated that the human trafficking laws passed in 2008 and amended in 2013 have helped victims of human trafficking but still fall short. Agencies have been slow to offer services in a timely fashion and may need encouragement to be more prompt. While working on changes to child prostitution laws, members of law enforcement expressed concern that decriminalizing prostitution for minors would make it difficult for law enforcement to detain, or present jail time to, uncooperative minors. Thus, the definition of child prostitution would be amended to state that child prostitution is a form of child abuse.

Professor Land concluded by stating that passage of the bill would tell children that they are not criminals but victims and that they can be put in touch with services.

In response to a committee member's question, Kathleen Burke, associate director, Street Safe New Mexico, and member, Legislative Subcommittee of the New Mexico Attorney General Task Force on Domestic Minor Sex Trafficking, explained that obtaining statistics on homeless

teens is challenging due to their transient lifestyles. An estimated 45% to 90% of homeless youth are involved in prostitution. She stated that drugs are occasionally used as a leash by a pimp, but most cases are anecdotal. Professor Land added that sexual exploitation frequently seems to predate any drug involvement.

Mr. Suzuki explained to the committee that if a minor who is a victim of sex trafficking is processed through the three pathways laid out in the presentation, the child will receive services. The CYFD is developing a tool to help identify trafficking victims and connect them to services such as advocates and guardians ad litem. Professor Land explained that finding such services can be difficult for a minor but, ideally, should be immediately available to them. Federal funding could be available to assist in these connections if the amendment is passed, but it would not be necessary.

Members offered several technical revisions for the draft legislation, and several members expressed concern that using "shall" in Section 32A-3B-4 NMSA 1978 could cause the CYFD to return a child to an unsafe environment because it would be more expeditious than providing treatment and services. Additionally, the process would not be standardized throughout the state because the CYFD operates by county.

Approval of Minutes

The minutes of the August 6-7, 2018 meeting of the CCJ were approved unanimously.

Public Comment

Ms. Burke stated that New Mexico is one of the least equipped states to deal with minors involved in sex trafficking. She explained that sex trafficking often coincides with drug trafficking and weapon trafficking, but it is less risky and more profitable than drug or weapon trafficking. She requested that members vote in favor of bills that stop human trafficking in New Mexico.

Discussion of the Criminal Justice Reform Process

Ms. Ludi informed the members of the meeting schedule for the CCJ and the Criminal Justice Reform Subcommittee through December. Expected presentations include reports from Justice Chavez on the Criminal Justice and Public Safety Task Force, updates from the CSG working group and various memorial and LFC reports. Meetings that were previously scheduled in Albuquerque will remain there, while the new meeting dates will be held at the State Capitol.

Members expressed concern that the CSG's report may not be finalized by December 4, which is the last CCJ meeting date, and that the LFC may not have sufficient time for fiscal impact statements. Ms. Ludi and Ismael Torres, fiscal analyst, LFC, reassured the members that the LFC keeps up to date on the development of legislation and will be prepared for the 2019 legislative session.

The co-chairs requested that committee members send topics of interest to LCS staff for consolidation and research. Vetoed bills from previous sessions could also be included in the topics.

Members expressed concern that an omnibus bill with too much diversity could be considered logrolling, and they discussed the implications, as well as possible solutions. Members requested that CSG staff examine how other states have used multi-bill packages.

The New Mexico Legislative Council approved one additional meeting of the CCJ, scheduled for December 4, at the council's August 27 meeting. The council also approved additional meetings of the Criminal Justice Reform Subcommittee for September 27, October 25-26 and November 16.

Recess

The committee recessed at 3:00 p.m.

Tuesday, September 25

Reconvene and Introductions

The committee was reconvened at 9:14 a.m. by Senator Martinez.

Gender Justice

Renee Villarreal and Fatima van Hattum, program co-directors, NewMexicoWomen.org (NMW.O), introduced themselves and explained their organization. They said that their presentation would focus on social, racial and gender justice rather than judicial justice. NMW.O is a nonprofit that works to advance opportunities for women and girls in New Mexico through education, leadership and investment. In 2017, NMW.O published a joint research report entitled "The Heart of Gender Justice in New Mexico: Intersectionality, Economic Security, and Health Equity". A joint venture with scholars from UNM and the Robert Wood Johnson Foundation Center for Health Policy, the report includes qualitative and quantitative findings on the intersections between gender, race and ethnicity, health and economic equity.

Ms. Villarreal and Ms. van Hattum explained that research and data for the report were obtained in two ways. NMW.O held community dialogues in cities around the state, including Las Cruces, Silver City, Santa Fe, Espanola and Albuquerque. Data on economic security were drawn from five-year estimates of the U.S. Census Bureau's American Community Survey. The researchers used intersectionality, an analytical tool coined by Kimberlé Crenshaw in 1989, to understand how systems of oppression intersect and how multiple aspects of identity and experience can enrich or complicate lives. Intersectionality acknowledges the interactions between gender and other social factors, such as race, class, sexuality and ability, that impact one's experiences.

The study shows that the legacy of colonialism and race trauma has impacted New Mexico women greatly, particularly women of color in low-income, rural areas. Trauma and loss of culture can lead to self-medication and addiction, which in turn can lead to convictions and jail time. Ms. Villarreal and Ms. van Hattum said that this cycle is a major contributor to the recent increase in the women's prison population.

Ms. Villarreal and Ms. van Hattum suggested several ways the study could help policymakers. Legislators must consider how the conditions in which people live affect their lives and their communities, as well as how the allocation of power and resources shapes social structure and health conditions. The root causes of poverty, violence and incarceration must be treated with a multi-sector approach. Ms. Villarreal and Ms. van Hattum asked the committee to apply a social justice lens to funding and policymaking, while utilizing and partnering with the nonprofit and philanthropic sector.

In response to a member's question, Ms. van Hattum explained that people waiting for pretrial services are often held in private prisons, which can lead to overcrowding and underutilization of behavioral health facilities. Members noted that prisons and behavioral health facilities statewide are underfunded, particularly facilities in rural areas.

Ms. Villarreal and Ms. van Hattum explained that NMW.O is not looking for sponsors for legislation; rather, NMW.O should be seen as a resource for policymakers and a support for other nonprofits. They stated that NMW.O was formed when the Commission on the Status of Women was line-item vetoed in 2011. While the organization originally focused on economic security for women, the focus shifted to gender justice and healing for both women and men.

Members expressed concern that parole violations and simple possession of controlled substances are filling prisons unnecessarily and often hurt the individuals more than help them.

Motor Vehicle Dealers Franchising

Rohan Patel, director of policy and business development, Tesla, Inc. (Tesla), and Meredith Roberts, senior policy advisor, Tesla, introduced themselves and explained why Tesla is important to them. Mr. Patel stated that Tesla is dedicated to innovation in sustainable energy. Due to the expense of pioneering new technology, Tesla entered the market with a high-end sports car in 2012. Recent models are lower-cost and allow Tesla to reach more consumers. Customer satisfaction is high, as Tesla has the highest customer satisfaction and service ratings in the industry.

Mr. Patel explained that Tesla sells its vehicles and vehicle servicing directly to consumers, rather than using a dealer franchise model. Historically, car manufacturers chose to grant businesses the right to sell and service vehicles, rather than the manufacturer selling directly to consumers. State legislatures established franchise laws to regulate interactions between franchisers, franchisees and customers. New Mexico law requires that car manufacturers use franchises to sell and service vehicles in the state. Tesla believes that the

direct-sales model allows for improved customer service for concerned buyers, reduced service and repair costs if problems arise and uniform pricing nationwide without any haggling. Because New Mexico law requires franchises for sales and repairs, Tesla cannot sell or service vehicles in New Mexico shops. Tesla's customers in New Mexico are unable to have vehicles delivered to a Tesla center for service and must take vehicles out of state for service and repairs.

Mr. Patel expressed Tesla's desire to have a presence in New Mexico and abide by state laws to meet customer needs. Tesla has successfully compromised with the Indiana, Utah and Wyoming legislatures on franchise laws, while California, Colorado and Florida provide unfettered consumer access to Tesla. Mr. Patel asserted that consumers should be free to choose the product and purchase method they wish; if consumers do not like Tesla's direct-sales model, they are free to purchase elsewhere.

Ms. Roberts explained that Senator Ortiz y Pino sponsored Senate Bill 255 in the 2018 legislative session. The bill would allow a manufacturer to sell and service vehicles in New Mexico, provided there are no independent franchise dealers of those vehicles already in New Mexico. Ms. Roberts expressed hope that the bill would be reintroduced in the 2019 legislative session.

Members of the committee vocalized concerns that Tesla's direct-sales model would harm the employees of dealerships and the local economies surrounding dealerships. Mr. Patel noted that states with Tesla centers have experienced record automobile sales despite Tesla's presence, and he explained that many franchises in New Mexico have out-of-state owners. Legislative compromises in other states have included requiring a manufacturer to have a domestic presence in the United States, thus preventing foreign manufacturers from entering local markets, and allowing only electric vehicles to be sold without a franchise, preventing Tesla from encroaching on traditional vehicle markets.

Mr. Patel informed the members that Tesla's direct-sales model is similar to that of Apple retail stores. Both companies wish to provide a uniform experience for their customers regardless of locale. Employees are salaried rather than paid by commission or by the number of jobs completed. Unwanted vehicles can be sold back to Tesla, which would then auction the vehicle. New or pre-owned Teslas can be purchased online and delivered. In-store purchases or deliveries to a store are not currently permitted under New Mexico law, and customers must go out of state for such services.

In response to members' questions, Mr. Patel informed the committee that there are approximately 450 Tesla owners in New Mexico. While updates can be performed over Wi-Fi and mobile service technicians can make home visits under interstate commerce laws, many of the 450 owners must go to Denver for more substantial services. However, Mr. Patel stated, customers love Tesla's service model, and Tesla does not foresee changing service models.

Mr. Patel and members of the committee discussed other Tesla products, including electric semi trucks, solar panels and battery packs. Tesla recycles its lithium ion batteries for new cars, and other vehicle parts may be recycled as well. A member noted that Tesla vehicles must use Tesla supercharge stations or home chargers, which can make long trips difficult if no charging stations exist.

Public Comment

Brian Dear, founder and president, Tesla Owners Club of New Mexico, explained that the club had, at last count, 222 members, or approximately one-half of all Tesla owners in New Mexico. Members are frustrated that they must go out of the state for service, as this can mean towing a car to Denver for repairs. Mr. Dear expressed annoyance at this and requested that the legislature allow Tesla to operate in New Mexico.

Another Tesla owner informed the committee that she and her husband had not purchased cars since the early 1990s, then they purchased the Tesla Model 3 in mid-2018. She expressed concern that she must take her vehicle out of state to comply with the warranty and would prefer that services be available locally.

Tesla owner Katie Stone stated that her husband was the first Tesla owner in New Mexico and she currently owns the only holographic Tesla in New Mexico. Since purchasing their Teslas, all services have been performed in Colorado. Ms. Stone stated that the Tesla Model 3 is one of the top-selling vehicles in the United States. She expressed anger that New Mexico would allow the taxes from sales and services go to other states rather than using the taxes to help impoverished New Mexicans.

At the co-chairs' request and by show of hands, audience members signified whether they support or oppose Tesla. No hands were raised in opposition.

New Mexico Counties (NMC) Legislative Priorities

Steve Kopelman, executive director, NMC, and Grace Philips, general counsel, NMC, presented NMC's 2019 legislative priorities. NMC will be seeking three primary appropriations in the General Appropriation Act of 2019. First, NMC would like to restore funding for the County Detention Facility Reimbursement Act to \$5 million; currently, it is at \$2.3 million, and counties are housing more inmates without proper reimbursement. Second, NMC would like a \$750,000 line item in the Department of Finance and Administration's budget. Under Subsection C of Section 4-44-18 NMSA 1978, the state is required to reimburse counties for the transportation of state prisoners, but no money is allocated for reimbursement. Third, NMC would like \$5 million to be appropriated annually for emergency services in the Department of Health budget. Emergency services have not had a line item before, and a designated revenue mechanism for fund growth and stability must be determined.

Mr. Kopelman stated that NMC will lobby for several other causes as well. Inspired by House Bill 160 (2018), NMC will seek to require the HSD to ensure that nonviolent adult and

juvenile defenders who have serious mental illnesses and are housed in CD or county detention centers receive comprehensive behavioral health services. By connecting individuals with the appropriate resources and services immediately upon release, NMC expects to reduce the likelihood of recidivism and reincarceration.

NMC will support tax reform endeavors that improve economic efficiency, economic development, fairness and ease of administration, but it will oppose legislation that negatively impacts county revenue. Counties must participate in all efforts to restructure and reform state and local tax systems. Internet sales tax is of particular interest, as internet retailers could be required to pay local sales tax.

Mr. Kopelman explained that the Fire Marshal Division and administration of the Fire Protection Fund are currently housed in the Public Regulation Commission (PRC), but NMC will seek to have them placed in a more appropriate location, such as the Department of Public Safety. Under the PRC, the fire marshal position has been vacant for a year, and overall vacancy is at 40%. Moving the Fire Marshal Division would ensure stability for critical public safety services and allow for advocacy and communication with fire services statewide.

NMC will seek to address the unintended consequences of the 2015 amendments to the Forfeiture Act. Reforms would include fixing the confusion around abandoned property, providing for reimbursement of law enforcement agencies for the cost of storage and disposal of seized property and extending due process protections to local DWI vehicle seizures.

In response to a member's question, Ms. Philips explained that behavioral health reforms would largely be covered by the Medicaid expansion. The larger problem is the lack of providers in New Mexico. The HSD may need to offer more incentives to persuade providers to practice in New Mexico.

Adjournment

There being no further business before the committee, the fifth meeting of the CCJ adjourned at 12:27 p.m.