



**MINUTES
of the
FOUR-HUNDRED-FIFTH MEETING
of the
LEGISLATIVE COUNCIL**

**January 17, 2022
State Capitol, House Chambers
Santa Fe**

The four-hundred-fifth meeting of the Legislative Council was called to order by Representative Brian Egolf, co-chair, at 1:45 p.m. on Monday, January 17, 2022, in the House Chambers of the State Capitol in Santa Fe.

Present

Rep. Brian Egolf, Co-Chair
Sen. Mimi Stewart, Co-Chair
Sen. Gregory A. Baca
Sen. Craig W. Brandt
Rep. Rebecca Dow
Sen. Katy M. Duhigg
Rep. Daymon Ely
Rep. Doreen Y. Gallegos
Sen. Linda M. Lopez
Rep. Javier Martínez
Rep. Rod Montoya
Sen. Steven P. Neville
Rep. James G. Townsend
Sen. Peter Wirth

Absent

Rep. Patricia A. Lundstrom
Sen. George K. Munoz

Special Advisory Members Present

Rep. Gail Chasey
Sen. Ron Griggs
Sen. Stuart Ingle
Rep. Georgene Louis
Rep. Antonio Maestas
Rep. Andrea Romero
Rep. Debra M. Sariñana
Sen. Antoinette Sedillo Lopez
Sen. Benny Shendo, Jr.
Rep. Christine Trujillo

Special Advisory Members Absent

Rep. Eliseo Lee Alcon
Sen. Pete Campos
Rep. Christine Chandler
Rep. Dayan Hochman-Vigil
Sen. Mark Moores
Sen. Michael Padilla
Rep. Patricia Roybal Caballero
Rep. Candie G. Sweetser
Rep. Elizabeth "Liz" Thomson
Sen. Pat Woods

Guest Legislators

Rep. Rachel A. Black
Sen. Cliff R. Pirtle
Sen. Harold Pope

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Amy Chavez-Romero, Assistant Director for Drafting Services, LCS
Jon Boller, Senior Staff Attorney, LCS
Anesa Serna-Espinoza, Assistant Director for Administration, LCS
Jeret Fleetwood, Researcher, LCS
Nancy Martinez, Research Assistant, LCS
Sara Wiedmaier, Research Assistant, LCS

Approval of Minutes

On a motion made, seconded and passed, the minutes of the August 23, 2021 and November 1, 2021 meetings were approved as submitted.

Capitol Security

Mr. Burciaga noted that LCS staff had been coordinating with Legislative Building Services, House and Senate Sergeants-at-Arms and the New Mexico State Police (NMSP) regarding security issues. He indicated that a private security firm had been contracted to assist with screening for weapons, with metal detectors in place at several entrances to the State Capitol Complex. Mr. Burciaga said that screeners for proof of vaccination were also in place at entrances. He introduced Tim Johnson, chief, NMSP; Matt Broom, deputy chief, NMSP; and Dale Wagoner, major, NMSP, to discuss capitol security for the regular legislative session. Major Wagoner explained that between patrol officers, lieutenants and sergeants, the NMSP detail would consist of 29 officers deployed in three daily shifts: day, night and graveyard. He also noted that a funding request for the security detail had already been submitted to legislative staff.

In response to a question, Major Wagoner explained that pocket knives and various other objects could be considered deadly weapons if used in an aggressive manner to harm another individual. Mr. Burciaga explained that while the council policy prohibiting deadly weapons in the State Capitol and Capitol North did allow pocket knives inside the buildings, some employees of the private security firm hired to screen for prohibited items had mistakenly confiscated some pocket knives. He indicated that staff had reiterated to the security firm that small pocket knives were allowed inside of the State Capitol, Capitol North and the Walter K. Martinez Memorial Walkway. Mr. Burciaga went over the statutory definition of "deadly weapon", noting that it does not address the size of knives. Representative Egolf suggested adopting the standard previously used by the federal Transportation Security Administration in determining the appropriate length of blades to be allowed in the buildings (which standard apparently does not exist).

In response to another question, Mr. Burciaga said that police escorts to vehicles were available for anyone leaving the State Capitol.

The council welcomed the member recently appointed to represent House District 8, Brian G. Baca.

Representative Egolf noted that members of the Legislative Finance Committee had participated remotely at the meeting held earlier in the day. On a motion made, seconded and passed, the council approved per diem reimbursement for those members of the Legislative Finance Committee who participated remotely at the January 17, 2022 meeting.

Appointments

Senator Stewart named Dr. Prisca Tiasse as her appointment to the New Mexico Bioscience Authority, noting that Dr. Tiasse's appointment still required the confirmation of the Senate.

Revisor of Statutes Proposal

Representative Maestas explained that New Mexico's statutes were recompiled in 1953, and again in 1978, and thus have not been recompiled in 45 years. He noted that the advent of computers and word searches made recompiling statutes less necessary. However, Representative Maestas explained that recompiling statutes would be a massive undertaking, likely costing approximately \$9 million. As an alternative, Representative Maestas provided the council with a draft bill to create an ongoing and permanent statutory compilation and revisor program within the LCS. He explained that compiling three chapters of law per year would enable the program to recompile all statutes every 25 years.

In response to a question, Representative Maestas explained that the concept was something with which he had approached the LCS.

Other questions and concerns raised by the council included the following:

- the process of recompiling statutes would not necessarily take place in sequential order, beginning with Chapter 1 and finishing with Chapter 77;
- the recompilation process would only involve numbering and renumbering statutes and not changing language within statutes;
- the difference between public law books and the NMSA 1978;
- the advisability of recompiling statutes every 25 years, versus the proposed, ongoing process;
- the potential use of the proposed process to address conflicting or otherwise problematic statutes;
- whether the \$100,000 appropriation attached to the draft bill would be sufficient to fund the program;
- the varying length of chapters might make it difficult to recompile three chapters per year;
- the LCS is prohibited from advocating for or opposing legislation, including Representative Maestas's proposed bill; and
- changes to statutes would need to be in the form of a bill passed by the legislature and signed by the governor.

Staff Reports

Mr. Burciaga explained that new requirements regarding vaccinations, COVID-19 testing and the prohibition of deadly weapons in the State Capitol had been issued and transmitted to staff and the media.

In response to a question, Representative Egolf explained that the proposed House Rules for the regular legislative session would involve standing committees meeting remotely, with remote public participation and the ability for members and members of the public to offer testimony in person in committee rooms. He explained that floor sessions would be held in person, with a mechanism for members testing positive for COVID-19, or at high risk, to participate remotely. Representative Egolf also outlined procedures for memorials in the House.

In response to a question, Mr. Burciaga explained that masks would be required to enter the building, with KN95 masks strongly recommended. He said that a food vendor would be in the building, that displays and presentations would not be permitted inside of the State Capitol and that school tours were being strongly discouraged. Mr. Burciaga also noted that most other recommendations followed federal Centers for Disease Control and Prevention (CDC) guidelines.

Senator Stewart explained that the Senate Rules would likely be similar to those of the House, with the main difference being that committee meetings would be held in person.

In response to a question, Mr. Burciaga said that a vaccine booster requirement had been added for both staff and visitors, per guidelines from either the Department of Health or the CDC.

In response to a question, Mr. Burciaga explained that at-home, antigen COVID-19 tests were less reliable for detecting COVID-19 in individuals who did not show symptoms than polymerase chain reaction (PCR) tests, which is why a negative PCR test was required for unvaccinated people entering the State Capitol.

Adjournment

There being no further business before the council, the meeting adjourned at 2:41 p.m.