

LFC Requester:

Liu

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov
{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date 01/21/24

Bill No: [SB42](#)

Sponsor: Hemphill
Short SCHOOL SAFETY
Title: COMMUNICATION

Agency Name
and Code

Number: PED-924

Person Writing Denise Terrazas

Phone: (505) 470-5303 Email: Denise.Terrazas@ped.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	N/A	Nonrecurring	NFA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 42 (SB42) would create a new section of the Public School Code to require that all public schools have a school safety communications system. The bill would also expand the definition of “building system” in the [Public School Capital Outlay Act](#) to include a school safety communications system, allowing capital outlay funding to be used for repair, renovation, or replacement of the systems.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 15, 2024.

FISCAL IMPLICATIONS

SB42 does not contain an appropriation. Without an appropriation and recurring future funding, it will not be possible to successfully and fully implement, monitor, and maintain the requirements of this bill.

The estimated cost of implementing school safety communications systems in all public schools is approximately \$15 million, the cost of which may be at least somewhat defrayed by the inclusion of “school safety communications systems” in the definition of “building systems”, which would permit the allocation of capital outlay funds for such systems.

SIGNIFICANT ISSUES

SB42 defines a school safety communications system as a “multimedia data communications system that connects law enforcement, firefighters and emergency medical services with school administrators and staff during an emergency.”

The bill stipulates that panic buttons would be utilized as part of the school safety communications system. Panic buttons are devices used in schools to alert law enforcement in times of emergency and have been funded in the General Appropriation Act since FY21. The legislature appropriated \$1,595,000 in the implementation year and \$1 million in each year since. As of December 2023, 809 schools in New Mexico, including charter schools, have implemented panic buttons. These buttons could also be used in partial fulfillment of the enactment of a schoolwide safety communications system.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicate: [HB49, Public School Safety Communications System](#), which would create a new section of the Public School Code to require that all public schools have a school safety communications system. The bill would also add school safety communications system to school security systems in the definition of building system in the Public School Capital Outlay Act, allowing capital outlay funding to be used for repair, renovation or replacement of the systems.

Relates to [House Bill 157, School Teacher On-Site Protection Act](#), which proposes to require PED to conduct school employee firearm training, to allow school employees to be licensed and appointed to carry handguns on school premises.

TECHNICAL ISSUES

SB42 proposes a new requirement for all public schools to include a school safety communications system in their building systems, and proposes to expand the definition of “building systems” to allow for capital outlay funding to address some of the costs required to implement the new requirement. The bill proposes to include the new requirement in Article 13 of the Public School Code, the statutes devoted to curricula and courses of study, with a specifically numbered section, proposed Section 22-13-14.1 NMSA 1978. While the proposed section logically immediately succeeds Section 22-13-14 NMSA 1978, on emergency drills, given that the relevant and amended definition, that of “building system”, is contained with Public School Capital Outlay Act, the more appropriate place for the new section may be in that act, following Sections 22-24-4.6 and 22-24-4.7 NMSA 1978, on building systems and school security systems, respectively. Alternatively, the newly proposed section might be referred to only as a “new section of the Public School Code,” thus permitting the Compilation Commission to decide upon optimal placement within the larger Public School Code.

OTHER SUBSTANTIVE ISSUES

School safety is a primary concern of New Mexico public school educators and administrators and of utmost importance to community constituents, parents, and students. Various measures are taken regularly by different agencies to ensure safety and security in New Mexico’s public schools:

- The PED Safe and Health Schools Bureau regularly issues guidance to school districts, “Planning for Safe Schools in New Mexico,” and provides schools with a template and resources to develop school and district safety plans.
- The PED Safe and Healthy Schools Bureau offers technical assistance in plan development, reviews all state school plans every three years (approximately 300 plans per year), and evaluates the plans in the areas of prevention, protection, mitigation, response, and recovery.
- The New Mexico Public Schools Insurance Authority also regularly conducts safety audits and security/vulnerability assessments of public school facilities as part of its loss prevention measures.
- PSFA has administered and overseen the previous appropriations for school safety and security to the Public School Capital Outlay Fund.

Many school safety projects are undertaken to reduce the potential for active shooter events.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.