

Greater Albuquerque Chamber of Commerce

# Legislative Round Up

56<sup>th</sup> Legislature, Second Session

Saturday, February 10, 2024

Day Twenty-five

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**Welcome to the Legislative Roundup, your update on  
the most important news from the Legislature**

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**Five Days to Go and It's a Wrap!**



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**In Committees**



## Medicine Transparency Clears Last Hurdle

A bill aiming to put the spotlight on prescription drug price increases passed its last committee today with unanimous support.

House Bill 33 is sponsored by Rep. Pamela Herndon (D-Bernalillo) and Sen. Liz Stefanics (D-Bernalillo, Lincoln, San Miguel, Santa Fe, Tarrant and Valencia). They told the committee the bill would increase transparency in the prescription drugs supply chain.

One of Herndon and Stefanics' expert witnesses for the bill said a staggering 44% of New Mexico residents reported they recently did not refill a prescription or are rationing the medication they have due to increasing prices; last year, 4,260 medications' prices increased, and over half saw increases greater than the rate of inflation, she said. She also quoted GACC President and CEO Terri Cole, who said, "transparency is foundational to all business."

The committee heard overwhelming support from across industries and advocacy groups. (When committee chair Sen. Gerald Ortiz y Pino asked for a show of hands for support, he said, "Wow!")

Chamber lobbyist J.D. Bullington was among them, saying, "It is clear, as it's been noted, we do need more transparency as consumers and as providers so patients can get the treatments they need at a fair price."

Sen. Martin Hickey (D-Bernalillo) expressed support but also said ongoing updates to the legislation would be necessary, starting with recurring appropriations in the state budget and tweaks to address the sneakier ways pharmaceutical companies increase prices. "We will bring down the cost of drugs, but it's going to be a slog," he said.

The bill passed on a unanimous 7-0 vote to move ahead. This effort to bring transparency to prescription drugs and help New Mexico residents access the medications they need is now just one vote away from the governor's desk. The full Senate will vote on it next – and we hope that's soon!



## **School Board Training in the Home Stretch**

Legislation to get school district and charter school leadership relevant training – and more of it – passed its last committee on a unanimous Do Pass vote.

Senate Bill 137, sponsored by Senate President Pro Tem Mimi Stewart (D-Bernalillo) and Sen. Bill Soules (D-Doña Ana) and presented today by Rep. Susan Herrera (D-Rio Arriba, Sandoval, Santa Fe and Taos), passed the House Judiciary Committee on a unanimous vote to move it forward. This was the bill's last committee hearing.

The bill places a strong emphasis on transparency, Herrera explained, requiring all board members to disclose any individuals or organizations that contributed more than \$1,000 to their campaign, and requiring a public dashboard showing which board members have and haven't completed the necessary training. Even more importantly for the community, the bill would mandate board meetings be webcast, recorded and archived for people to watch later for at least two years.

The bill further sets a new requirement of 10 training hours for new school board members and charter school governing board members, as well as what that training should cover: two hours each of ethics and school personnel, public school finance, open meetings and public records, governance and supervision, and student achievement and support services.

An earlier amendment to the bill also prohibits the board from terminating a district superintendent without cause or extending their contract within 60 days of a new board member swearing in. This is to ensure any new board members have time to learn the ropes before making such an important decision.

The Chamber stood in support of the bill alongside many other policy-focused organizations, open government organizations, and representatives of district leadership associations. GACC lobbyist J.D. Bullington said, "This bill will help them attain the skills they need to be successful leaders, and this bill is also going to improve transparency to make sure families can hold their board members accountable for their actions."

This bill will strengthen our school districts' and charter schools' decision-makers, and we're glad to see it closing in on the finish line. It will next be considered by the full House – hopefully to be sent to the governor's desk for enactment.



## **Severance Tax Permanent Fund Gets a Boost**

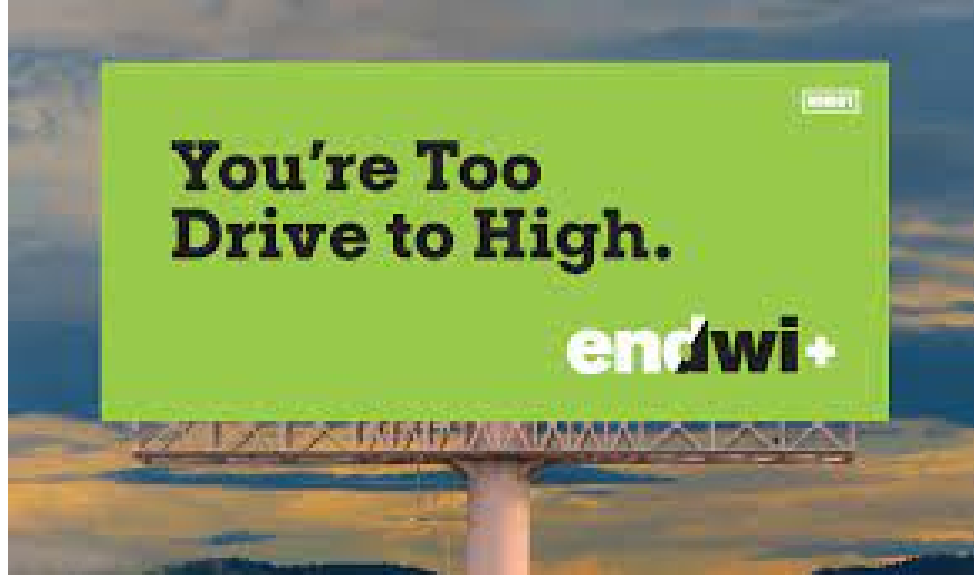
The Senate Finance Committee moved Senate Bill 217, sponsored by committee Vice Chair Sen. Nancy Rodriguez (D-Santa Fe) to the Senate floor by a vote of 10-0. This is an important bill because it is the second year of a 10-year plan (until 2033) to boost the Severance Tax Permanent Fund (STPF) to \$1 billion by making \$82 million annual appropriations to the fund. The STPF is a repository for severance tax revenue in excess of what's needed to repay capital outlay bonds (severance tax bonds). Four-point-seven percent of the last five-year average value of the fund is sent annually to the general fund to support government spending without a need for new taxes.

In the recent past, in no small part due to difficult economic times, so many severance tax bonds were issued that there was very little excess revenue to transfer to the STPF, stifling growth of the fund, which is managed by the State Investment Council. However, with significant excess revenues available in the last few years, the Legislature is financing capital projects with cash instead of bond debt. This means that the corpus of the fund can grow through investment income as well as the \$82 million annual appropriation.

The current STPF balance is approximately \$10 billion, which contributes about \$290 million to the general fund. If the 10-year plan is fully implemented, the 2033 fund balance is estimated to be \$31 billion, contributing nearly \$1 billion to the general fund. HB 217 is part of the overall strategy of the Legislature to prepare for an expected decline in oil and gas revenues in the future. The idea is to strengthen the state's "savings accounts" so that income from fund investments can compensate for any declines in revenues or to be used should difficult economic times befall the state. This is a very strong strategy, and we congratulate the Legislature and the administration for their foresight and prudent planning.

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## **On the Senate Floor**



## Senate Sends DWI/Drugged-Driving to House

This afternoon the New Mexico Senate voted 26-8 to send Senate Bill 190, which aggregates the state's DWI laws and incorporates drugged driving, to the House.

Short titled simply DWI Act, the bipartisan, bicameral bill has strong support in the House with sponsors Reps. Dayan Hochman-Vigil (D-Bernalillo), Andrea Reeb (R-Chaves, Curry and Roosevelt) and William "Bill" R. Rehm (R-Bernalillo). In the Senate, sponsors are Sens. Daniel A. Ivey-Soto (D-Bernalillo) and Minority Whip Craig W. Brandt (R-Sandoval).

It's worth pointing out Hochman-Vigil is an attorney, Reeb and Ivey-Soto are former prosecutors, and Rehm is a retired police and sheriff's officer. That professional experience and expertise is important when taking on the heavy lifting of making our state's driving while impaired laws easier to access and enforce.

Ivey-Soto explained to his Senate colleagues the 92-page bill compiles various related laws (the DWI Act, the Boating While Intoxicated Act, the Implied Consent Act and the Ignition Interlock Act). It also addresses drugged driving, setting the level of presumed alcohol non-intoxication for adults and non-commercial drivers at .04 percent and below. What that means, he said, is that under SB 190, law enforcement will now have a process to eliminate alcohol as the cause for impairment and thus get a warrant for a blood sample to test for drugs, both legal and illegal.

Law enforcement officers from the State Police, Rio Rancho and Bernalillo County, prosecutors, the public defender and the state Department of Transportation were all consulted on the bill and the subsequent changes in the Senate Judiciary substitute.

Brandt said he has been working on this legal update with Ivey-Soto for eight to 10 years because "DWI's a huge issue. We lose a lot of people to DWI. This bill honestly doesn't go far enough. We're the only state where (DWI is) not a felony until the fourth" offense. And then we legalized recreational marijuana and "created another problem." When it comes to impaired drivers, "we need them off the road."

"This bill helps with that, otherwise I wouldn't be involved."

The Chamber has testified in favor of the bill, saying it strikes the right balance between enforcement and treatment and pointing out "NMDOT says last year 37 percent of deadly crashes were alcohol-related. There's no telling how many were drug-related. But we do know it's a problem SB190 can help change."

Senators voting against SB 190 came from both sides of the aisle: Democrats Antoinette Sedillo Lopez (Bernalillo), Shannon D. Pinto (McKinley and San Juan), George Muñoz (Cibola, McKinley and San Juan) and Benny Shendo Jr. (Bernalillo, McKinley, Rio Arriba, San Juan and Sandoval) and Republicans Cliff R. Pirtle (Chaves, Eddy and Otero), Joshua A. Sanchez (Cibola, McKinley, Socorro and Valencia), Mark Moores (Bernalillo) and Gregory A. Baca (Bernalillo and

## On the House Floor

**HJC/HB 316 - FELON IN POSSESSION OF FIREARM PENALTY**

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HJC/HB 316  
Calendar Item # 37                      .228091.1

REP. REHM



**FINAL PASSAGE**

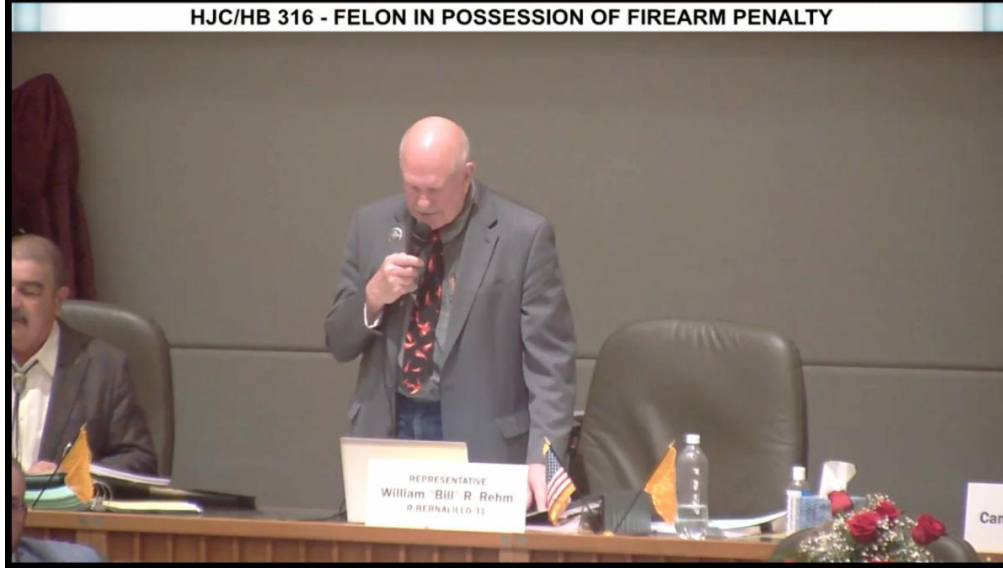
N Alcon	A Chávez	Y Hernandez	Y Madrid	Y Romero, GA
Y Allison	Y De La Cruz	A Herndon	Y Martinez, A.	N Roybal Caballero
N Anyanonu	Y Dixon	Y Herrera	Y Martinez, J.	N Rubio
Y Armstrong	Y Duncan	Y Hochman-Vigil	Y Mason	Y Sanchez
E Baca	Y Ezzell	Y Jaramillo	Y Matthews	E Sariñana
Y Block	N Ferrary	Y Johnson	Y McQueen	Y Scott
Y Borrego	Y Figueroa	Y Jones	Y Mirabal Moya	Y Serrato
Y Brown	Y Gallegos	Y Lane	Y Montoya	Y Small
N Cadena	Y Garcia, H.	Y Lara	N Ortez	E Szczepanski
Y Castellano	Y Garcia, M.P.	Y Lente	N Parajón	Y Terrazas
Y Cates	Y Garratt	Y Little	Y Pettigrew	N Thomson
Y Chandler	Y Gurrola	Y Lord	Y Reeb	Y Townsend
N Chasey	E Harper	Y Lujan	Y Rehm	Y Vincent
Y Chatfield	Y Hembree	Y Lundstrom	N Romero, A.	Y Zamora
<b>Yeas: 53</b>	<b>Nays: 11</b>	<b>Excused: 4</b>	<b>PNV: 0</b>	<b>Absent: 2</b>

## Rabbit out of the Hat - Felons and Firearms

We've always admired Rep. Bill Rehm's (R-Bernalillo) service as both an Albuquerque police officer and a Bernalillo County sheriff's captain. He knows law enforcement from the front lines, and he's tenacious in pursuing legislation aimed at making our communities safer. There's no question he takes a tough-on-crime approach advocating for stiffer sentences and blocking violent felons from being released pending trial.

Unfortunately, these efforts have often been rejected by a majority in the Legislature who question the efficacy of penalties and detention. Today, in an amazing turnabout, the House approved House Bill 316 by a vote to 53-11 sending it to the Senate. Rehm really pulled a rabbit out of the hat. Back on Jan. 30, the House Consumer and Public Affairs Committee tabled House Bill 46, a very similar bill.

HB 316 would increase the penalty for a felon in possession of a firearm (or destructive device) to five years. A new crime of a felon in possession of a firearm for a second or subsequent offence would carry a penalty of nine years and the penalty for a serious violent felon in possession of a firearm would be increased to nine years.

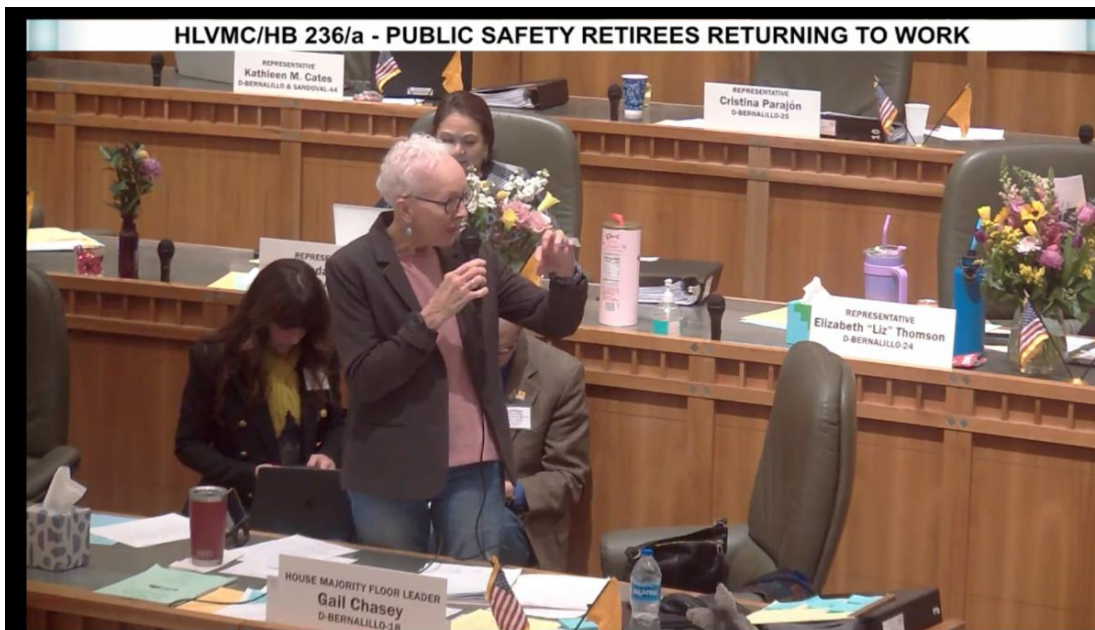


### **Rehm presents HB 316 to the House**

Perhaps the shock waves of the revolving door of violent criminals being released back into our communities have finally rattled the walls of the Roundhouse a bit. New Mexicans have had enough, and as Rehm said, "How many times have we heard across the state, here is another violent criminal with a firearm?" Rep. Charlotte Little (D-Bernalillo), whose family has been the victim of a tragic violent crime, gave a heartfelt and emotional statement saying that she believes in second chances, and increasing penalties may not be a deterrent, but at some point in time, we have to expect people to be held accountable.

This bill doesn't affect thousands of people, or even hundreds of people, but it does affect the right people. These are the people that indeed need to be held accountable and need to be kept out of our communities to keep us safe. Despite this very obvious truth, there are representatives, such as Rep. Joann Ferrary (D-Doña Ana) who don't believe incarceration is the right answer. She said this bill will "just have more people in jail and put more people at risk that don't deserve it." We have to have faith this is a tool the judicial system will make work.

We hope this bill gets out of its Senate committee (wherever it will go,) off the Senate floor and that the governor signs it! It looks like it's a rocket bill now. New Mexicans are fed up and want action taken. The Legislature has rejected sound legislation like this before. Let's hope they take this one positive step to end the revolving door of violent crime and send HB 316 to the governor's desk.



## Getting Veteran Officers Back on Our Streets

Veterans of the Legislature and state government remember a past return to work effort that produced significant problems such as people making extremely high wages, workers being displaced, seniority being upended and other issues. Rep. Gail Chasey stressed the narrow nature of House Bill 236 - it applies to very specific front line jobs and has many guardrails.

The House passed HB 236, Public Safety Retirees Returning to Work, sponsored by Chasey and Sen. Mimi Stewart (both D-Bernalillo) and T. Ryan Lane (R-San Juan) by a vote of 56-7.

It's well known that staffing levels are at critical proportions in many areas of the state. For example, corrections facilities' vacancy rates are running from over 20 percent to 68 percent. The Bernalillo County Metropolitan Detention Center has 200 unfilled positions. Magistrate courts have virtually no security and there are incidents of near-misses. This bill is designed to be a "bridge" to fill job openings until the training academies and recruiting efforts can catch up.

Quite remarkably, this bill is a 180-degree turn in that the unions are supporting a "double-dipping" proposal. And they are because this bill will allow some retired public safety employees to return to work under carefully crafted guardrails to not only protect pension funds but also current mid-level and new incoming employees by not granting seniority to the returning personnel. Rehired retired employees:

- Can return to work while still collecting their pension for three years. They and their employer would pay into the pension fund, but the employee would not accrue service credit. At the end of three years they could opt to continue working but must stop collecting their pension.
- Only fill front-line positions provided the vacancy rate of the hiring entity is greater than 10 percent. The retired member shall have no seniority based on pre-retirement employment for purposes of selecting shifts.
- Must have retired prior to Dec. 31, 2023, and returning to work must start by July 1, 2027. The idea is not to provide an incentive to retire and then return.

Rep. Jack Chatfield (R-Colfax, Curry, Harding, Quay, San Miguel and Union) summed up his support for the bill, "There is no occupation where experience matters more than in public safety." And that's the bottom line. On to the Senate!



## Charter Schools Get Capital Outlay Support

House Bill 207, sponsored by Rep. Joy Garratt (D-Bernalillo), amends the Public School Capital



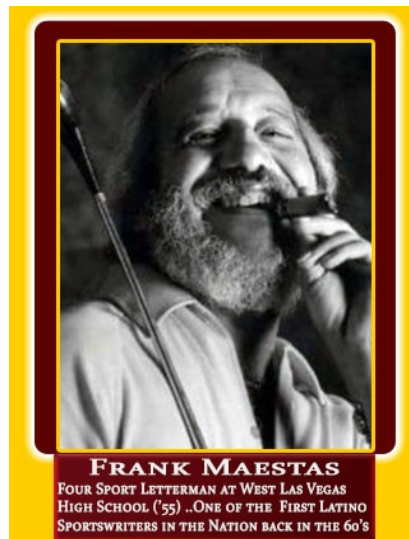
Outlay Act to make lease assistance to charter schools from the public school capital outlay fund mandatory rather than discretionary (change the word from may to shall) for the Public School Capital Outlay Council. The change is needed in order to allay concerns of bond investors that the assistance could be unavailable in any given year, thus making the bonds more risky, demanding a higher interest rate.

If this assistance is required each year, bonds should be able to be issued by the New Mexico Finance Authority utilizing their AAA credit rating. A lower interest rate means less cost of debt service and more money available for the intended purpose - improving or building charter schools. The Chamber has strongly supported the measure through committees. The House gave its stamp of approval today, sending the bill to the Senate by a vote of 64-1.

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## Around the Roundhouse

### Honoring a Sportswriting Legend



During a break in the debate and voting action on the Senate floor today, lawmakers took a moment to recognize Frank Maestas, father of Sen. Antonio "Moe" Maestas (D-Bernalillo), who is being inducted into the New Mexico Sports Hall of Fame.

The Hall's website, nmshof.org, shares:

*"Frank Maestas was a pioneer for Hispanics in journalism in general and sports journalism as he was one of the first Latino sports writers in the nation back in the 1960s. He was a sportswriter for the Albuquerque Journal for 28 years. Many of his feature articles brought tremendous pride and sense of accomplishment to numerous New Mexico families and communities. Through hard work and dedication, Frank became one of the most respected sportswriters to ever cover events in the state of New Mexico and was always very proud to be a New Mexican. He managed to do all of this while befriending virtually everyone he dealt with and built a legacy for being a creative, adventurous character that will always dwell in the folklore of sports in New Mexico."*

Sen. Pete Campos (D-Colfax, Guadalupe, Harding, Mora, Quay, San Miguel and Taos) revealed a hidden talent when he turned ring announcer and welcomed Maestas into the hall of fame with the longest Fraaaaaaaaaaaaaaaaaank likely ever heard in the chamber. Who knew?

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## Signing Off from Santa Fe



It's Super Sunday tomorrow in more ways than one. We could potentially see the budget, the tax package, capital outlay and general obligation bond bills all move from committee to the Senate floor - or not. Apparently, the printer's office is working hard to get all these lengthy bills ready, but whether that's tomorrow is uncertain. The Senate will also have a floor session, which we are hoping will conclude prior to kickoff - or not. Either way, we're there to cover the news and views. We hope you have a Super Sunday! Good evening.

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*The Legislative Roundup, published during the New Mexico Legislative Session by the Greater Albuquerque Chamber of Commerce, provides information on local and state public policy and business issues that affect you.*

*For questions, please email D'Val Westphal at [dwestphal@greaterabq.com](mailto:dwestphal@greaterabq.com).*



**Working to make our city and state a great place to start and grow a business and a safe, exciting place to work and raise a family.**

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