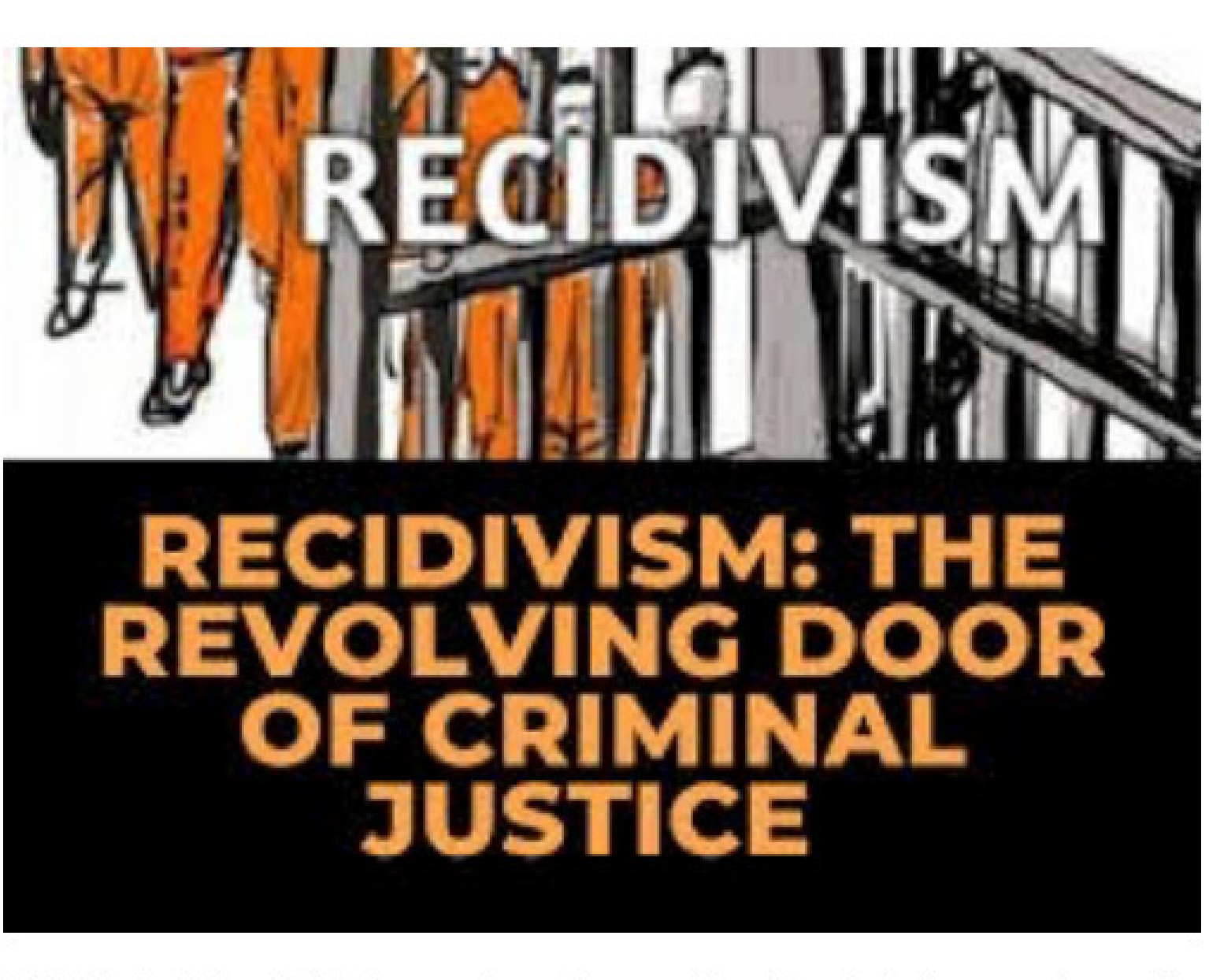
GREATER ALBUQUERQUE CHAMBER OF COMMERCE

Legislative RoundUp

2025 Regular Session
Friday, February 21, 2025
57th Legislature
Day Thirty-One

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

SENATE PASSES PUBLIC SAFETY PACKAGE


RECIDIVISM
RECIDIVISM: THE REVOLVING DOOR OF CRIMINAL JUSTICE

House Bill 8, the "public safety/crime package," passed the Senate today on a strong bipartisan vote of 38-3 after four hours of debate and several attempted amendments by Republicans that failed. Sen. Crystal Brantley (R-Catron, Doña Ana, Grant, Hidalgo, Luna, Sierra & Socorro) summed up the GOP's feelings about the bill, saying "It's not enough, it's good, but it's not enough." Sen. Jay Block (R-Bernalillo & Sandoval) put it this way, "I was hoping for filet mignon and we got dips and chips."

To refresh your memory, the package consists of what were six separate bills that revamp criminal competency statutes, create a crime for converting weapons to fully automatic, make a shooting threat the same level of crime as a bomb threat, enhance sentences by up to three years for trafficking fentanyl, allow blood testing for DWI involving drugs (not cannabis) and impose stiffer penalties for auto theft. Criminal competency is the premier piece in the package as it addresses the revolving door by creating pathways to treatment or incarceration depending on the severity of the crime and the danger to society a particular offender presents. The criminal competency statutes haven't been revised since 1988.

Republicans attempted several amendments to try to address additional crime-related issues, most of which failed on partisan votes, 16 in favor, 25 opposed:

- Tackling the crime of swatting, where police are falsely called to a crime scene, putting officers and residents at risk.
- Dealing with juvenile crime by lowering the age from 15 to 14 and adding crimes to the list of what defines a serious youthful offender. These crimes include second-degree murder, voluntary manslaughter, shooting from a vehicle, use of a deadly weapon, etc. Serious youthful offenders can be treated as adults or otherwise receive increased penalties.
- Strengthening laws for people in possession of firearms by making each weapon in possession a crime, thereby adding time to incarceration.
- Putting in statute the Supreme Court guidelines for holding repeat, violent offenders in jail pending trial. By putting the guidelines in statute, courts are required to follow the instructions, not just consider them. The goal is to reduce the revolving door by detaining repeat, violent offenders and not putting them back on the streets.
- Clamping down on stash houses that force children and women into slavery. Albuquerque is considered by law enforcement to be the world's capital of stash houses.

In closing debate on the bill itself, Senate Minority Leader Sen. William Sharer (R-San Juan) held up a list of 1,400 crime-fighting bills introduced over the last 10 years, none of which passed. He cited a Chinese proverb, "the best time to plant a tree was 20 years ago, the second best time is now." Sharer urged the Legislature to go beyond HB 8 to address the kinds of issues offered in the proposed amendments.

Senate Judiciary Committee Chair Joseph Cervantes (D-Doña Ana) agreed that at least some of these issues deserved further consideration, but they should be vetted thoroughly through his committee. Most of the proposed amendments are already in bill form. We certainly want to see these and other crime-fighting bills considered soon so they can be delivered to the governor's desk by the end of the session. It's only half over; there's time to take further action, especially if leadership gets behind them and pushes them forward.

While there is more to be done, we don't want to ignore the fact that HB 8 has many good features and was developed after a lot of hard work. For that, we are glad this bill will soon be sent to the governor. Because the bill was amended in the Senate, it will be returned to the House for concurrence in amendments, which we expect will be just a matter of form.

PERMANENT FUND FOR BEHAVIORAL HEALTH HEADED TO GOVERNOR'S DESK

MENTAL HEALTH

We have reported extensively on the state's efforts to rebuild our behavioral health system. It's a heavy lift, and leaders on both sides of the aisle have teamed up to create a package of three comprehensive bills to tackle the problem. Senate Bill 1, Behavioral Health Trust Fund, was the first of those bills to get its turn on the House Floor today and passed 46-19. It was presented today by one of its many cosponsors, Majority Floor Leader Rep. Reena Szczepanski (D-Santa Fe).

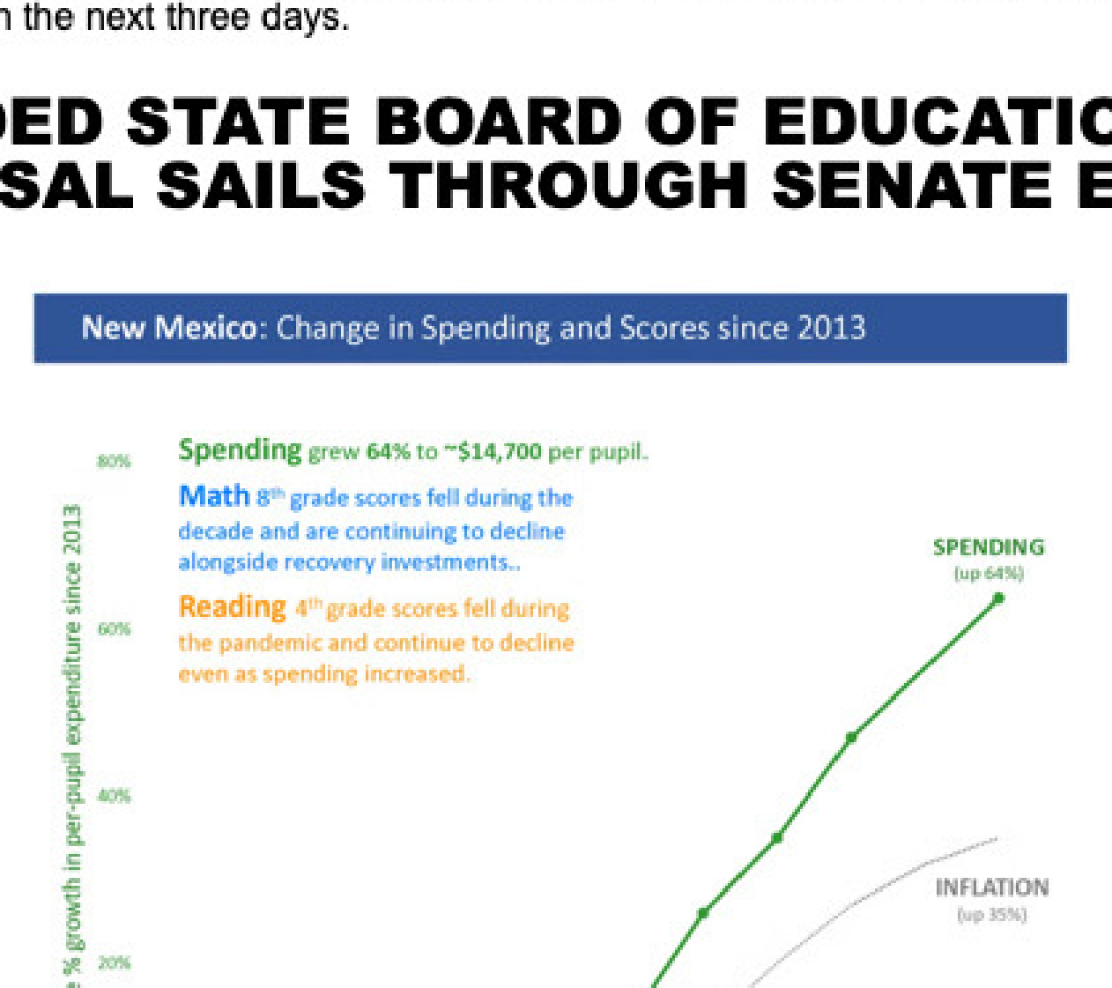
Because the bill has already passed in the Senate and the House made no changes to the bill, it goes next to the governor's desk. The governor has three days to act on legislation passed during the session. If she doesn't act within three days, the bill becomes law. This changes during the last three days of the session, where the governor has 20 days to act, and no action becomes a pocket veto.

SB 1 creates a $1 billion trust fund to ensure a long-term funding source for behavioral health services and infrastructure. Republicans expressed concern about the creation of a trust fund that could be diverted by future Legislatures for priorities other than behavioral health.

Rep. Harland Vincent (R-Lincoln) expressed concern about creating a new permanent fund when there are savings in the reserve fund that could be appropriated for behavioral health. Szczepanski explained that she views it from a personal pocketbook standpoint. "If I got a bonus check at the end of the year, I could choose to just deposit that in my savings account or in my checking account, and that I could trust my future self and hope that I would make good decisions. … I could also choose to put that in my kids' college savings account or some other savings account that was specific."

The Chamber has supported the creation of this savings account to improve behavioral health because that will help make our state healthier, safer and thus more competitive with our neighbors. We think SB 1 is an important piece of the puzzle in getting our arms around the behavioral health issues that plague New Mexico. We'll let you know what the governor does with SB 1 within the next three days.

AMENDED STATE BOARD OF EDUCATION PROPOSAL SAILS THROUGH SENATE ED



We've reported a couple of times on Senate Joint Resolution 3, which limped through the Senate Rules Committee and emerged with a "no recommendation" endorsement. That joint resolution was heard today in the Senate Education Committee, which was much more receptive. Members passed it on a 10-2 vote and moved the bill on to its next committee assignment: Senate Finance.

SJR 3 proposes to send voters a constitutional amendment to re-establish an elected state board of education, which was dismantled by voters in 2003 because public schools were not producing student success (and they're still not). That's why the Chamber and others say that the governance structure isn't the problem - it's the lack of focus on student success.
Terri Cole, president and CEO of the Chamber, offered these comments to the committee this morning:

"We respectfully oppose this legislation because it would inject more politics into public education, and that's the last thing we need. Putting a large, partially elected group of people in charge of our state's education system is a recipe for more division and acrimony. Local school boards across America are under fire for governance issues – many local boards are hotbeds of political chaos – and they routinely lose focus on student needs and outcomes. Why would we want a similar situation at the state level?

"Finally, the number of adult decision-makers is not driving students' unacceptably low academic performance. This resolution is not going to fix what's broken. Let's not advance a so-called solution that hasn't worked before and won't again."

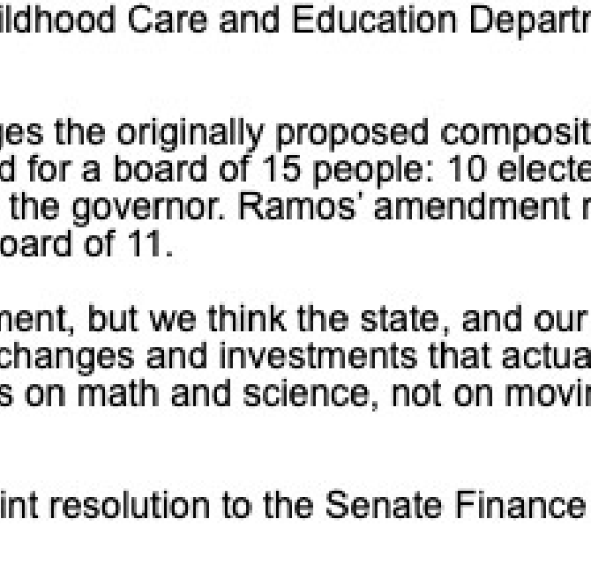
Sen. Gabriel Ramos (R-Grant, Hidalgo & Luna) presented an amendment that attempted to address the concerns of many that were expressed in Senate Rules, namely oversight of charter schools. The original version of the bill got rid of the Public Education Commission (PEC), which approves and oversees charter schools. His amendment restores the PEC, even if SJR 3 passes and is approved by voters. Sponsor and Senate Education Chairman Sen. William P. Soules (D-Doña Ana) opposed the amendment, but it passed 5-4. All four Republicans voted for the amendment, and Sen. Martin Hickey (D-Bernalillo) joined them in support. However, this is not the solution we were looking for. If SJR 3 is approved by voters, there would be two elected groups - the state education board and the PEC, in addition to the Department of Higher Education and the Early Childhood Care and Education Department - talk about fragmented policy and collaboration!

The amendment also changes the originally proposed composition of the new state school board. The original bill called for a board of 15 people: 10 elected from districts throughout the state, and five appointed by the governor. Ramos' amendment removed four of the governor's appointees and dictates a board of 11.

That's a hair of an improvement, but we think the state, and our students, would be better served by focusing on other policy changes and investments that actually make a difference in student outcomes. We need to focus on math and science, not on moving boxes on an organizational chart.

You know we'll follow this joint resolution to the Senate Finance Committee and report back to you.

SCHOOL PRINCIPAL TRAINING BILL COMPLETES 1/2 ITS LEGISLATIVE JOURNEY



Also on the House floor today was House Bill 157, sponsored by Reps. Joy Garratt (D-Bernalillo), Brian Baca (R-Valencia) and Raymundo Lara (D-Doña Ana). The goal is to raise the standards for principal training and development through mentoring and other support.

The goal is to achieve nationally recognized best practices because the principal must lead a culture of learning. With the right training and support, there will be a consistency of leadership. Turnover among principals is very high due to a number of factors, including lack of preparation for leadership and local support.

The Chamber has long advocated for exactly this kind of change. Through a grant from the Thornburg Foundation and Los Alamos Laboratory Foundation, the Chamber engaged Education Research and Development, a nationally recognized group of experts, to prepare a report on school leadership, and many of those recommendations are included in HB 157. The report leads off with this statement:

"I can tell you a good principal is worth their weight in gold. They make everything work. And when you have a principal that is not good, teachers leave."
– Mimi Stewart, Senate President Pro Tempore

HB 157 now heads to the Senate to go through the process in that Chamber. This bill is one of the things we can do to have a major impact on student outcomes. We'll let you know what happens next.

$10.8 BILLION BUDGET GOES TO HOUSE FLOOR

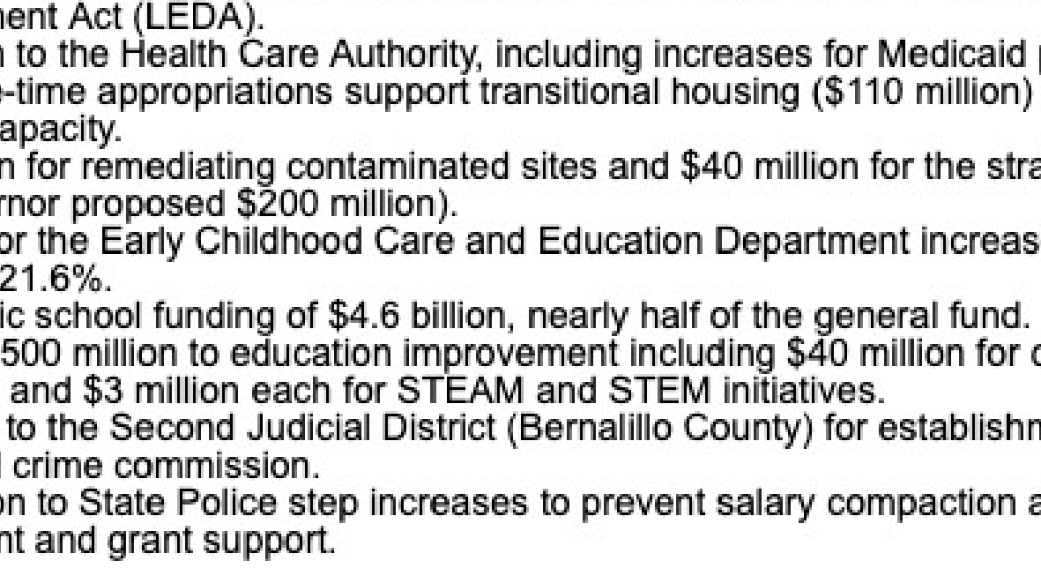
The House Appropriations and Finance Committee finished its work on the Fiscal Year (FY) 2026 general fund budget, sending it to the House floor on a 16-1 bipartisan vote. The budget bill is the culmination of months of work by the Legislative Finance Committee throughout the interim period and then by both the House Appropriations and Finance Committee and the Senate Finance Committee, which will receive House Bill 2 when passed by the House. SFC will then address issues important to the Senate, amend HB 2 and return it to the House.

The total general fund spending proposed is $10.8 billion in FY 2026, a 5.8% increase over FY 25 spending. The measure leaves a 31.2% reserve, or a little north of $3 billion. The total budget proposal is about $100 million less than the governor's proposed budget. Here are some highlights:

- An overall 4% pay increase for all state employees, including public education and higher education.
- Minimum teacher salaries raised from $50,000 to $55,000 per year.
- A significant increase for the economic development department's budget by 6.5% or $1.7 million.
- In addition, $50 million appropriated for regional recreation centers; $50 million to establish a research, development and deployment fund; $24 million for site readiness; $16 million for tourism and international marketing/ $15 million for entrepreneurship incubators; $10 million for recruitment in emerging high tech fields; multiple investments in quantum science; and $7 million for the Local Economic Development Act (LEDA).
- $15 billion to the Health Care Authority, including increases for Medicaid providers.
- Other one-time appropriations support transitional housing ($110 million) and building housing capacity.
- $50 million for remediating contaminated sites and $40 million for the strategic water plan (the governor proposed $200 million).
- Funding for the Early Childhood Care and Education Department increased by $170 million or 21.6%.
- Total public school funding of $4.6 billion, nearly half of the general fund.
- Another $500 million to education improvement including $40 million for career technical education and $3 million each for STEAM and STEM initiatives.
- $3 million to the Second Judicial District (Bernalillo County) for establishment of an organized crime commission.
- $1.6 million to State Police step increases to prevent salary compaction and $500,000 for recruitment and grant support.

On the floor of the Senate today, Senate Finance Committee (SFC) Chair George Muñoz (Cibola, McKinley & San Juan) mentioned that public education is still $100 million short - so there's one issue that will be addressed in the Senate. The SFC will start work on HB 2 early next week, assuming the House passes the bill in short order - possibly Monday.

OVERREACHING WATER-QUALITY REGS ON THEIR WAY TO THE SENATE FLOOR



In 2023, the U.S. Supreme Court issued the Sackett decision that ended federal Environmental Protection Agency regulation of surface waters that are not flowing waters - in other words, all our dry arroyos and intermittent streams and rivers. Sen. Peter Wirth (D-Santa Fe) estimates that 90% of waterways in the state are unregulated at this point. His solution is Senate Bill 21 (now combined with SB 22), which would have the state take over the administration of surface water regulation from the federal government. The Chamber is opposed to this measure, as President and CEO Terri Cole explained to the committee:

"We have a number of concerns about SB 21:

"It's a very big leap to immediately take over federal regulation. As business managers, we can tell you that to move this quickly is likely to result in missteps and mistakes.

"Adding 50 employees is a real challenge in today's workforce environment - especially when it has to be done quickly. Where will the qualified employees be found? Nearly every department already has high vacancy rates.

"The quality of the workforce matters as they will be charged with important rulemakings and enforcement.

"We also question why it's necessary to move oil field regulations from the Oil Conservation Division to the Environment Department. OCD already has the expertise to provide necessary regulatory oversight.

"Because of these concerns, we urge you to vote no."

Joining the Chamber in opposition were the Dairy Producers, AMAFCA, the New Mexico Mining Association and the San Juan Water Commission. Support came from the Pueblos of Laguna and Pojoaque, League of Women Voters, a craft brewery owner and Green Latinos.

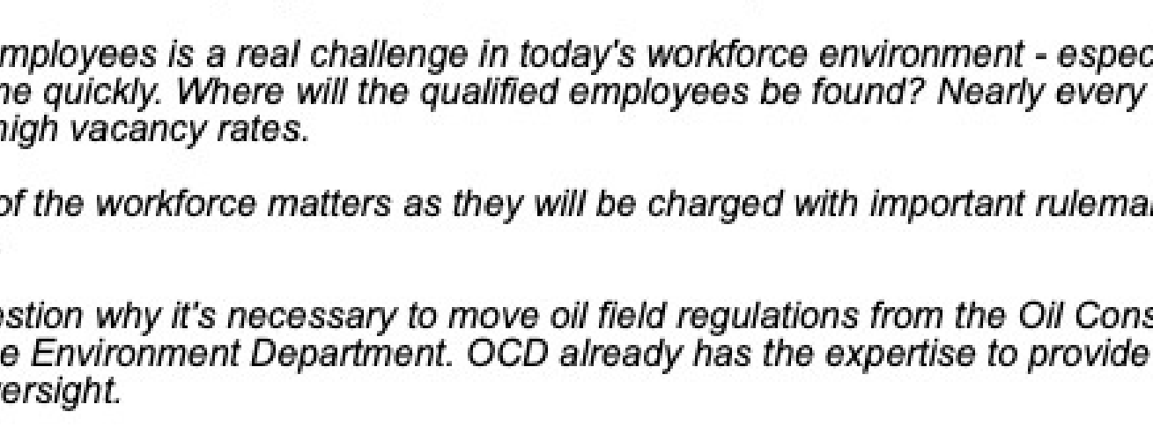
Wirth established his three goals in sponsoring the legislation:

1. Assert state primacy of regulation - better than it being done in Dallas (at the regional EPA office).
2. Address the Sackett case - cover all New Mexico waterways.
3. Create a program that holds groundwater polluters responsible.

Sen. Steve Lanier (R-San Juan) expressed a lot of concern about the bill being overreaching and the most strict set of regulations of the western states. He said that everyone wants clean water; that's not the issue. He thought these regulations would be burdensome on economic development and make moving a business to New Mexico unattractive. Wirth countered by saying his bill is just a mirror image of the federal regulations in place for 50 years. Perhaps Lanier noticed, as we did, that in answer to questions, Environment Department representatives portrayed a desire to engage very proactive enforcement. Lanier also questioned the ability to acquire 50 people in short order to get the program up and running. He noted that the department lacks the necessary infrastructure to be successful and pointed to problems with the Air Quality Bureau as an example.

SB 21 has been vetted thoroughly in the Senate, having been considered by three committees. It now heads to the Senate floor. We'll let you know what happens there.

TRUST FUND TO BEEF UP RANKS OF RURAL DOCTORS PASSES ITS FIRST COMMITTEE



Members of the Senate Education Committee heard a bill today that could help attract, and retain, more doctors to rural New Mexico. Senate Bill 380, Support Graduate Medical Education Programs, is sponsored by Sen. Pete Campos (D-San Miguel, Colfax, Guadalupe, Harding, Mora, Quay, San Miguel & Taos). The bill passed the committee 8-1 and heads to Senate Finance next.

SB 380 establishes a trust fund and program to support residency programs in rural and underserved areas. The trust fund, financed through a $100 million appropriation from the general fund, will distribute 5% of its average market value annually to the program fund to support graduate medical education programs in rural areas.

Terri Cole, president and CEO of the Greater Albuquerque Chamber of Commerce, spoke in favor of the proposal:

"This measure is another good building block to attracting physicians to practice in the rural areas of our state. Building trust funds that provide long-term funding for residencies in those areas is necessary and sensible.

"In a recent WalletHub study, New Mexico ranked 46th out of the 50 states as a place for doctors to practice. Guess who is No. 1? Montana! They're even more rural than we are, yet they've managed to have the kind of environment that welcomes and supports physicians. If we couple this kind of legislation with more favorable tax treatment and higher loan repayment allowances, for example, we can make real progress."

All medical school graduates must complete a period of graduate medical education, such as a residency or fellowship, to be licensed to practice in the United States. Residents are more likely to continue to practice in locations where they complete GME training, including rural areas. More than half of residents who completed their training between 2010 and 2019 were still practicing in the state where they trained.

That's a strong argument for more residencies - we'll be in Senate Finance to keep you informed on what happens with SB 380.

OCCUPATIONAL THERAPY COMPACT IS CROSSING OVER TO THE SENATE

Occupational Therapy

Another one of the Chamber's top priorities cleared the House today and is headed over to the Senate. House Bill 81, Occupational Therapy Licensure Compact, sailed through on a 64-0 vote. It's sponsored by Rep. Elizabeth "Liz" Thomson (D-Bernalillo) and Rep. Jenifer Jones (R-Doña Ana, Hidalgo & Luna). Thomson is the chair of the House's Health Committee and Jones, also a member of that committee, is a retired nurse.

We have a dire shortage of all medical professionals in New Mexico. Making it easier for licensed providers in other states to treat New Mexicans – be it in person or in a telehealth setting – is a real way to begin to get more New Mexicans the care they need,and address the lack of providers here while at the same time encouraging them to practice in, perhaps even move to, our state.

There are several other bills going through the chambers that enter New Mexico into inter-state compacts in various health-care fields, including medical doctors, audiologists and physical therapists.

The goal in joining these compacts and providing reciprocity is to make more providers available to New Mexicans for everything from care to education to second opinions. We'll keep you updated as HB 81 and the other compacts make their way through the session.

IT SHOULD BE SEXUAL ASSAULT, NO MATTER WHAT YOU'RE WEARING

STOP sexual assault

Talking about sexual assault laws isn't a fun thing to do. But it's important to hold offenders accountable and to update our laws when necessary. The House Judiciary Committee today scrutinized Rep. Dayan Hochman-Vigil's (D-Bernalillo) House Bill 87, Criminal Sexual Contact Where Victim is Clothed. After a critical amendment, the bill was passed 10-0 and goes to the House floor next.

The bill closes a serious gap in New Mexico law. It is currently not illegal to touch someone sexually without consent if it's through their clothing.

Enrique C. Knell offered the Chamber's position to the committee:

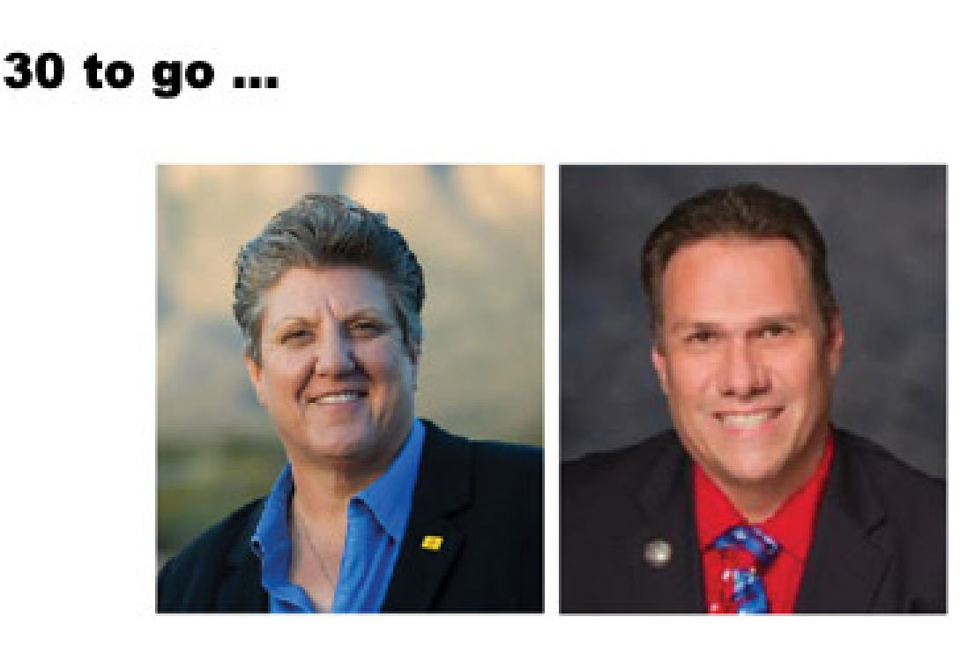
"HB 87 has the strong support of the Chamber. This section of law has not been updated since 1993, and since then, there has been a greater understanding that unwanted sexual contact can occur regardless of how or whether one is dressed.
"The majority of other states have amended their laws addressing unwanted sexual contact to either 1) not reference dress or 2) specify that clothed vs. unclothed is irrelevant."

Former prosecutor Rep. Andrea Reeb (R-Chaves, Curry & Roosevelt) offered her critical perspective as someone who has prosecuted sexual-assault cases. She offered an amendment to add "with intent to arouse or gratify sexual desire." The committee wrote the amendment on the fly and quickly accepted it. The intent of the change was to have tighter language to not sweep in situations not intended by the legislation.

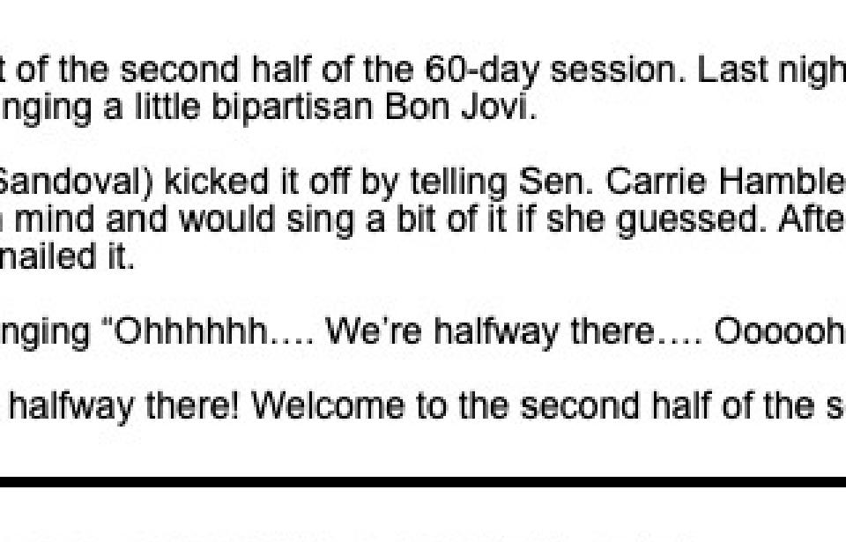
Reeb underscored the seriousness of this change. Someone convicted under this new statute will face a lifetime on the Sex Offender Registry.

Chairwoman Christine Chandler (D-Los Alamos) said, "I like this, and I want to be able to get the people doing this, but I don't want make a lifetime registry for somebody just joking around."

AROUND THE ROUNDHOUSE



30 down, 30 to go …



Sens. Carrie Hamblen and Craig Brandt.

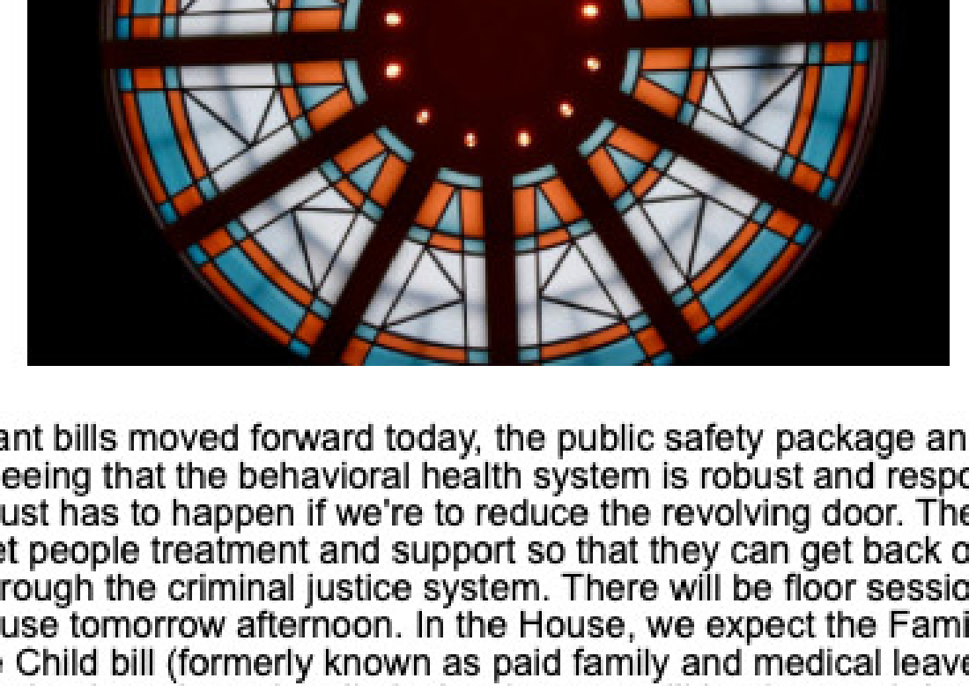
Today marked the start of the second half of the 60-day session. Last night, two senators rocked out in their chamber, singing a little bipartisan Bon Jovi.

Sen. Craig Brandt (R-Sandoval) kicked it off by telling Sen. Carrie Hamblen (D-Doña Ana) he had a Bon Jovi song in mind and would sing a bit of it if she guessed. After eliminating several possibilities, Hamblen nailed it.

Both of them started singing "Ohhhhhh…. We're halfway there…. Oooooh oh! Livin' on a prayer."

And so we are indeed, halfway there! Welcome to the second half of the session.

SIGNING OFF FROM SANTA FE



Some very significant bills moved forward today, the public safety package and the behavioral health trust fund. Seeing that the behavioral health system is robust and responsive to local community needs just has to happen if we're to reduce the revolving door. There simply must be the resources to get people treatment and support so that they can get back on track rather than cycle repeatedly through the criminal justice system. There will be floor sessions in both the Senate and the House tomorrow afternoon. In the House, we expect the Family Wellness/Welcome Child bill (formerly known as paid family and medical leave) to be debated, probably right up to the three-hour time limit. As always, we'll be there to bring you all the news and views. Thanks for being with us today, and we'll see you tomorrow. Good evening.

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.

GREATER ALBUQUERQUE CHAMBER OF COMMERCE

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.