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New Mexico Notes by Ruben Baca

There won't be much back slapping, cheek pecking or bear hugs at the opening of today's 60-day legislative session. The pandemic has benched in-person politicking, replacing it with virtual meetings that eliminate the personal touch.

The Senate will meet in person but minus the public and the lobbyists who have helped run the place for over a century. The House will be all Zoom all the time.

Meanwhile, there are three measures that **New Mexico Politics with Joe Monahan** pegs as potentially the most transformative in the 2021 session .

NUMBER ONE — Without a doubt the proposed constitutional amendment to tap one percent of the \$21 billion Land Grant Permanent School Fund is potentially transformative. The amendment has been making the Roundhouse rounds for nearly a decade. The difference this year is that it will probably pass both chambers. It will again fly through the House and then the question is whether the Senate waters it down.

The amendment, if passed by the Legislature and approved by voters, would mean \$180 million annually would be withdrawn from the Fund for early childhood education--ages zero to five. That's the time science says brain development is most crucial for future success.

Advocate Stephen Spitz explains why labeling the amendment transformative is not hyperbole:

The Legislative Finance Committee's latest report on the state's home visiting program that science says gets the biggest investment bang for the buck (up to 13 times for each dollar invested) says the state contracted for 3,917 slots for this program for ages prenatal to three years. There are approximately 25,000 births per year in New Mexico; 82% are Medicaid qualified. 3,917 slots represent only 4.5% coverage of prenatal to three babies for home visiting. Thus, this program shown to be most effective in increasing educational attainment and executive function in children could hardly be less significant.

NUMBER TWO — Should the Governor's power under the 2003 Public Health Emergency Response Act be amended? This is flying under the radar but if the Act is amended (and not vetoed) future state Governors would have more restraints on them and more input from the Legislature in dealing with health emergencies.

The health order gives a Governor wide discretion in closing down society. But the Act did not foresee lockdowns and other pandemic measures lasting nearly the year like the ones now in effect.

The issue is the concentration of so much power in the executive for an unlimited time. Time limits and power sharing with the Legislature are being proposed to have the Act provide more checks and balances. When another unfortunate time comes, whether ten years or a hundred years from now, changes to the Act could transform government responsibility for the public health and for the better.

NUMBER THREE — It's a drug and it has consequences. What they would be if New Mexico legalizes recreational marijuana is unknown and that hangs over the chances of this bill winning approval.

Legalization would be transformative with tens of thousands of marijuana users bolstering state tax collections but also creating negative social consequences as was the case when the state legalized Indian gambling. Both impacts need to be considered.

This is a fragile time for public health--especially mental health--and that may impact the chances of legal pot from passing, along with the complexity of administering the law in a state not known for administrative excellence. We put the chances at 50-50.

HONORABLE MENTION: How much funding will there be to implement the Yazzie education lawsuit in which a judge ruled the state was violating the Constitution by not providing adequate funding for at-risk students, mostly of color? The administration has dragged its feet but under increasing pressure seems to be warming to its responsibility.

Why is this transformative? Because the state's bottom of the barrel public education standing is largely due to under performance among minorities. As with early childhood education, if the state changes that, it changes its national standing with all the good that brings.

Some of the Bills we are opposing are SB 95 Which amends the Tobacco Products Act to include a provision that would allow counties and municipalities to enact ordinances, charter amendments, or other tobacco regulations that are stricter than, but not in conflict with, the provisions of the Tobacco Products Act. One of the biggest problems with this Bill is during the 2020 Legislative 30-Day session, the Legislature passed SB 131, the Tobacco Products Act. We have just concluded late last year that regulations have gone to hearing, and they were accepted by the Administration. These rules and regulations did not go into effect until 1/1/2021, so now we are trying to give the counties and municipalities the authority to change these regulations which are the most stringent in the United States. SB 95 has passed its first committee and now goes to Senate Judiciary.

SB 6 amends and enacts sections of the Liquor Control Act to permit certain persons to deliver alcoholic beverages to homes, adds a new type of license that allows the sale of certain alcoholic beverages in restaurants, imposes additional fees, allows dispenser's licenses to be transferred out of local districts intact, and allows certain dispenser's licenses reinstate retail privileges.

Ne Gov. Michelle Lujan Grisham on Tuesday announced the state of New Mexico will implement, and in some cases re-implement, several public health regulations later in the week to stem the alarming rise of COVID-19 illnesses statewide.