



## DISABILITY RIGHTS NEW MEXICO

1720 Louisiana Blvd. NE, Suite 204 • Albuquerque, New Mexico 87110

TEL/TTY: (505) 256-3100 • FAX: (505) 256-3184

State-wide Toll Free 1-800-432-4682

WEBSITE: [www.drnmm.org](http://www.drnmm.org) • EMAIL: [info@drnm.org](mailto:info@drnm.org)

James Jackson, Executive Director

*Promoting and Protecting the Rights of Persons with Disabilities*

### DISABILITY ISSUES IN THE 2012 LEGISLATURE STATUS REPORT #1

By Jim Jackson, Executive Director  
DISABILITY RIGHTS NEW MEXICO  
January 23, 2012

#### Calendar

- Tuesday, Jan. 24: Disability Rights Awareness Day at the Capitol  
Medicaid Day at the Capitol
- Wednesday, Feb. 8: Behavioral Health Day

**2012 session begins.** Governor Susana Martinez opened the legislative session last Tuesday with a speech outlining her agenda for legislative action. As expected, that agenda included a package of business tax cuts intended to spur economic growth, denying promotion to the next grade for children who are not able to read proficiently by the end of third grade, ending driver's licenses for undocumented immigrants, and various other initiatives. Although she did not mention any proposals specifically affecting persons with disabilities, she did call for full support of the Medicaid program, including an \$8 million appropriation specifically targeted to bolster the financial position of nursing homes.

**Speaker Lujan discloses cancer.** In his opening speech to the 2012 legislative session, Speaker of the House Ben Lujan (D-Nambe) disclosed that he had been diagnosed with lung cancer a few years ago and would not be seeking re-election to his legislative seat this year. It appears, however, that he intends to remain in his position as Speaker throughout this year's 30-day session, and no immediate changes are expected.

**Budget Recommendations Released.** Earlier this month, both the Legislative Finance Committee and Governor Martinez released their proposed budgets for consideration by the legislature. Both of these budgets were based on projections that there would be over \$250 million in "new" money this year, above the amount of spending in the current year. A recent significant drop in the price of natural gas has some legislators wondering whether that new money will actually come in during the coming year.

The LFC recommendations would use all of the \$250 million to shore up certain state programs and to give a very small salary increase to state employees. Total state appropriations ó supplemented for a few years with federal funding through the federal stimulus (ARRA) program, which has now ended ó have been cut in the past few years, from a high of \$6.1 billion in FY 2009, to \$5.45 billion in FY 12.

The governor's proposed budget is not significantly different. It would also invest more funds into public education, Medicaid, and higher education, but would not provide state employee raises and would reduce potential revenue by about \$50 million by exempting small businesses from gross receipts taxes and reducing the tax for certain other businesses.

The state budget bill is being developed in the House Appropriations and Finance Committee, which began meeting the week before the 2012 legislative session and has been making tentative decisions about funding levels for the various state agencies. The final version of the budget bill, HB 2, is expected to be completed by the committee early next week and then voted on by the House, at which time it will be referred to the Senate for further action.

**Medicaid.** Both the LFC and the governor are recommending an increase of around \$45 million for the Medicaid program, which is the amount that the Human Services Department is predicting that it will need in the coming year to continue the program in the coming year and keep up with expected enrollment growth. This would avoid the need for any further cost cutting measures in the coming year. The nursing home industry is expecting reductions in the funding it receives from the federal Medicare program so it is seeking an increase in Medicaid funds in order to make up for that revenue. The governor's budget includes an extra \$8 million for this.

**Developmental Disabilities.** The LFC budget recommendation includes \$2.7 million to serve some of the people on the waiting list for the DD Waiver program. This would be enough to serve up to 150 additional individuals. The money appears to have been diverted from other Department of Health programs, so the governor is not supporting this budget increase. The governor's recommended budget did not include any new money for the DD waiver.

**Guardianship.** The DDPC Office of Guardianship asked for an additional \$400,000 to keep up with its growing caseload. The LFC and the governor recommended most if not all of this amount, and the HAFC has tentatively included the full amount in the current version of HB 2.

**Legal services cut again.** The Civil Legal Services Commission provides funding to non-profit agencies, including Disability Rights New Mexico, that provide legal services to low income individuals. The Commission's budget has been cut significantly in the past two years. Although the LFC recommended level funding for the program this year, the governor recommended an additional cut of \$165,000, which is a 10% cut, and the HAFC has adopted the lower recommendation.

**Watch for committee hearings.** Most House and Senate committees will hold their first meetings this week. The schedule of committee hearings is posted each day on the legislature's web site, [nmlegis.gov](http://nmlegis.gov).

## **Bills and Memorials Introduced**

### Autism

**HM 7** Autism Day. Rep. Ed Sandoval. This memorial recognized January 18 as "Autism Day" in New Mexico and saluted the work of the New Mexico Autism Society. Speaker's table.

**SM 4** Autism Day. Sen. Dede Feldman. The memorial recognized January 18 as "Autism Day" in New Mexico and saluted the work of the New Mexico Autism Society. **Passed.**

Pending: We expect a bill to be introduced that would require the insurance plan for state employees to cover services needed by children with autism.

### Community Services

**SJM 9** Implement Money Follows the Person. Sen. Linda Lopez. This memorial calls on the Human Services Department to fully implement the Money Follows the Person program, which supports the transition of individuals from nursing homes into home and community placements. This program was recently approved for additional federal funding. MFP has been required under state law since 2006 but has not been implemented in the manner intended. SRC/SPAC.

### Developmental Disabilities

**HB 82** Family Infant Toddler funding. Rep. Danice Picraux. Appropriates \$2.1 million to the Department of Health to assure that there will be enough funding available to serve all young children who qualify for services, and to increase provider rates. HCPAC/HAFC.

**SB 39** Mercury warning signs. Sen. Peter Wirth. Appropriates \$100,000 to the Department of Game and Fish to post warning signs at lakes and rivers where mercury levels may pose a risk to children and pregnant women. This is intended to prevent birth defects and health problems. SCC/SCONC/SFC.

**SB 98** Family Infant Toddler funding. Sen. Howie Morales. Appropriates \$2.1 million to the Department of Health to assure that there will be enough funding available to serve all young children who qualify for services, and to increase provider rates. SCC/SPAC/SFC.

**SB 114** Birth defect prevention and registry. Sen. Sue Wilson Beffort. Appropriates \$100,000 to the Department of Health to fund the birth defects prevention and surveillance program. SCC/SPAC/SFC.

### Education

**HB 65** Special needs student scholarships. Rep. Ray Begaye. This bill would authorize the creation of organizations to provide scholarships to the families of special needs students to pay for their tuition in private schools. Ninety percent of the contributions by individual and corporate taxpayers to such organizations would become a credit against the state income tax they would otherwise owe. *DRNM's concerns with this bill are 1) children voluntarily enrolled in private schools do not have most of the legal protections regarding special education that are provided under IDEA and state law, so families would have little recourse if the private school is*

*not providing an appropriate education; 2) there is no requirement in the law that the private school provide appropriate special education or use qualified teachers to do so; and 3) we believe that it is not good public policy to divert public tax dollars to private schools and in the process reduce funding for public schools. HEC/HTRC.*

**SB 31** Special needs student scholarships. Sen. Jerry Ortiz y Pino. This bill would authorize the creation of organizations to provide scholarships to the families of special needs students to assist them in attending private schools. Same as HB 65, above. SCC/SEC/SFC.

**SB 112** School services to age 22. Sen. Howie Morales. This bill would amend existing law to clarify that special education students can continue to receive educational services through the end of the school year during which they have their 22<sup>nd</sup> birthday. This is current practice in New Mexico but our state law does not clearly require this. SCC/SEC/SFC

#### Health Care and Medicaid

**HB 17** Legislative approval of Medicaid changes. Rep. Mimi Stewart. Requires legislative approval before HSD could apply for federal approval of significant changes to the Medicaid program, including but not limited to the "global" 1115 waiver program called for under the "Medicaid modernization" initiative. HRC.

**HM 17** Medicaid Appreciation Day. Rep. Mimi Stewart. Recognizes the importance of the Medicaid program in New Mexico and declares January 24, 2012 as Medicaid Appreciation day. Speaker's table.

**SB 6** Health Insurance Exchange. Sen. Dede Feldman. This bill would establish a health insurance exchange in New Mexico, as called for under federal health care reform. This is a revised version of a bill that passed last year but was vetoed by the governor. SCC/SPAC/SFC.

**SB 7** Basic Health Plan. Sen. Dede Feldman. This would create a new health coverage program in New Mexico for persons with income above the Medicaid eligibility level to be established under federal health care reform (138% of the federal poverty level) but no more than 200% of the poverty level. The program would likely provide greater benefits at lower cost than the insurance policies such individuals would be able to purchase through a health insurance exchange, even with the subsidy that they would otherwise get. The program would be funded entirely by federal funds. SCC/SPAC/SFC.

**SJM 10** Report on health insurance exchange grant. Sen. Linda Lopez. This memorial calls on HSD to report to the legislature on its use of the first grant to the state to begin planning a health insurance exchange. The state has also recently received a much larger second grant to begin developing the exchange.

#### Mental Health

**HJM 8** Study veterans' mental health needs. Rep. Rudy Martinez. Calls on a variety of state agencies and other organizations to study the unmet health care and behavioral health needs of veterans in southwestern New Mexico. HCPAC.

**SB 95** Native American suicide prevention. Sen. Linda Lovejoy. Appropriates \$150,000 to UNM for a clearinghouse and technical assistance program to provide prevention, intervention and other assistance related to suicide among Native Americans. SCC/SIAC/SFC.

**SJM 7** Behavioral Health Day. Sen. Mary Kay Papen. Notes the work of advocates for behavioral health and the importance of behavioral health, and declares Feb. 8 to be Behavioral Health Day. President's table.

### Voting Rights

**HB 113** Voter ID requirement. Rep Catherine Brown. This bill would generally require a picture ID (or proof of tribal enrollment) in order to register to vote and in order to vote in state elections. The bill would waive the usual fee for obtaining a picture ID from the Motor Vehicle Division if the ID is needed for voting. *DRNM's position is that such requirements pose a barrier to voting for some elders and persons with disabilities who are entitled to vote but may not have a picture ID and for whom it would be a hardship or even an impossibility to obtain one in person from the MVD.* HCPAC/HVEC/HJC.

### Other

**HM 11** Disability Rights Awareness Day. Rep. Eleanor Chavez. This memorial recognizes the value and dignity of persons with disabilities, notes the problems of bullying and domestic violence and their impact on persons with disabilities, and declares January 24 to be Disability Rights Awareness Day in New Mexico. Speaker's table.

**SB 110** Office of Guardianship Fund. Sen. Sue Wilson Beffort. Creates an Office of Guardianship fund to hold appropriations, contributions, grants or other funds earmarked for the guardianship program, use such funds in accordance with the purpose of the Office, and retain any balance in the fund from year to year. SCC/SPAC/SFC.

## REFERENCE INFORMATION

**Contacting Your Legislators.** You can contact your senator or representative during the session:

**Telephone:** 505-986-4300. This is the Capitol switchboard operator: ask for your legislator by name and they will route your call to his/her office.

**E-mail:** To find your legislator's e-mail address, log on to the Legislature's "Find Your Legislator" web site, <http://www.nmlegis.gov/lcs/legislatorsearch.aspx>, and click on the "Alpha List" for either the House or the Senate. Not all legislators have listed email addresses.

**U.S. Mail:** Legislator's name, NM State Capitol Bldg., Santa Fe, NM 87503

Don't know who your legislators are? It's easy to find out through the internet but you'll probably need your full 9-digit zip code. If you don't know that number, you can get it through the postal service using this link: <http://zip4.usps.com/zip4/welcome.jsp>. Then log on to the state legislature's "Find Your Legislator" web page, <http://www.nmlegis.gov/lcs/legislatorsearch.aspx>. Under either the House of Representatives or Senate, click on the link to "Search by Name, District or Zip Code". You'll see a page with the photos and names of all the Representatives or Senators, with a search box near the top to search by zip code. Enter your five-digit zip code and click "Search". If you get a list including more than one

Representative or Senator, you will also get a search box at the bottom where you can enter the full 9-digit zip code. That search will result in a page that shows your specific Representative and Senator.

#### ABBREVIATIONS USED IN THIS REPORT

##### State Agencies

ALTSD	Aging and Long Term Services Department
CYFD	Children, Youth and Families Department
DDPC	Developmental Disabilities Planning Council
DFA	Department of Finance and Administration
DOH	Department of Health
GCD	Governor's Commission on Disability
HSD	Human Services Department
PED	Public Education Department

##### Legislative Committees

HAFC	House Appropriations and Finance Committee
HCPAC	House Consumer and Public Affairs Committee
HEC	House Education Committee
HHGAC	House Health and Government Affairs Committee
HJC	House Judiciary Committee
HTPWC	House Transportation and Public Works Committee
HTRC	House Taxation and Revenue Committee
HVEC	House Voters and Elections Committee
SCC	Senate Committees Committee
SCONC	Senate Conservation Committee
SEC	Senate Education Committee
SFC	Senate Finance Committee
SIAC	Senate Indian Affairs Committee
SJC	Senate Judiciary Committee
SPAC	Senate Public Affairs Committee
SRC	Senate Rules Committee
LFC	Legislative Finance Committee (joint House-Senate committee that meets during the interim between legislative sessions)
LHHS	Legislative Health and Human Services Committee (interim committee)