



## DISABILITY RIGHTS NEW MEXICO

3916 Juan Tabo Blvd., NE • Albuquerque, New Mexico 87111

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

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

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

Gary Housepian, Chief Executive Officer

*Promoting and Protecting the Rights of Persons with Disabilities*

### DISABILITY ISSUES IN THE 2019 LEGISLATURE STATUS REPORT #7

Jim Jackson, DRNM Public Policy Associate

March 4, 2019

*(See page 11 for a list of abbreviations, including legislative committees, used in this report.)*

#### Committee Hearings this week:

- *Monday morning:* In HEC: HB 243, school services for deaf children, and HB 615, mental health training for school personnel; in HHHC: SB 123, sick leave for caregiving, and SB 204, medical marijuana in schools; in SEC: SB 467, students in need of accommodation, and SB 612, special education reform; in SRC: SB 495, BH Collaborative membership changes
- *Monday afternoon:* In HAFC: HB 416, Medicaid buy-in
- *Tuesday afternoon:* In SPAC: SB 570, crisis intervention through Project ECHO, SB 583, limiting psychoactive drugs for children in foster care, HB 81, limiting co-pays for OT/PT, and HB 285, regulation of limited benefit insurance plans; in HCPAC: HB 567, students in need of accommodation
- *Thursday afternoon:* In HLLC, SB 128, local government behavioral health clinic funding

**There's plenty of time – or not.** There are two weeks left in this year's session, which should be enough time for many of the bills that have made some progress so far to make it all the way through the process. But the competition to get onto committee agendas and be heard for votes in the chambers will now become more intense, so it's still hard to predict which bills will make it across the finish line. Here's a quick look at a few of the disability-related bills we're following that have cleared some of their initial hurdles:

SB 123 Using sick leave for caregiving – passed the Senate, now in the House

SB 395 Guardianship reform, part II – passed the Senate, now in the House

HB 43/HB 342 BH services to avoid recidivism – passed the House, now in the Senate

HB 322 Autism insurance coverage – passed the House, now in the Senate

HB 5/SB 1 Education reform – each awaiting final vote in first chamber

HB 90 Aid in dying - awaiting House floor vote

HB 364 Limiting solitary confinement - awaiting House floor vote

HB 436 ACA protections into state law - awaiting House floor vote

Bills that have not already passed at least one committee by now have very little chance of passage through both chambers before the end of the session on March 16<sup>th</sup>.

**Scramble for last available money.** This past Friday was the deadline for Senators to submit their requests to the Senate Finance Committee to add money to HB 2, the state agency budget

bill, for their favorite causes. The flurry of amendment request forms submitted showed that there is always hope, but the committee is not expected to increase state spending very much and most of those hopes will be dashed when the committee makes its decisions later this week.

**But wait, there's more** – The projected budget surplus this year is giving lawmakers a second opportunity to spend state money on worthy projects. Bills in each chamber, popularly called “House Bill 2 Junior”, will provide each legislator with additional money (reportedly \$400,000 for each House member and \$750,000 for each senator, with half of that money for recurring expenses and half for one-time expenditures) that the legislator can allocate to fund existing state programs but not to create new ones. The deadline for those decisions has also now passed, but not before lobbyists, constituents and fellow legislators beat a path to every legislator’s desk to ask that they contribute a little money to a favorite cause.

**If you missed the boat** – In accordance with its usual practice, HAFC is routinely tabling most bills requesting money. The exceptions to this rule are those bills that have been funded in HB2 or a Junior bill but have language intended to be enacted into law. In these cases, the funding provision is stripped out and the bill moves forward. In many cases, bills are tabled without even a hearing by the committee. This saves time but eliminates the opportunity for the committee to learn more about the needs that would be addressed by these other funding requests.

### **Bills and Memorials Introduced in the 2019 Session**

This list is grouped by disability or subject matter and shows the bill number, sponsor, a description of the bill and the current committee assignments and action taken on the bill or memorial. Although the deadline to introduce bills has now passed, memorials can be introduced at any time.

#### **State Budget**

**HB 2 General Appropriation Act.** Rep. Patty Lundstrom. This is the overall state budget bill, which appropriates funding to all state agencies. Passed the House 46-23; under review in SFC. The current version includes:

- About \$45 million in new (additional) funding for the Medicaid program. HSD estimates that it needs \$61 million in new money for the program in the coming year. The amount adopted by HAFC was based on staff projections that the actual cost would be lower than HSD’s estimate, but the LFC staff is now suggesting that another \$10 million should be added by the Senate in order to fully fund the program.
- The Developmental Disabilities Supports Division at DOH is slated to receive about \$19 million in additional funding, including \$7 million to move people off the DD waiver waiting list and into services, \$4 million to meet the increased costs of serving those already in the program, \$1.6 million for waiver provider rate increases, and \$1.5 million to assess the needs of individuals on the waiting list and to plan and develop a new “supports” waiver. The Family Infant Toddler program would receive over \$5 million in new money.

The bill also includes some special, one-time appropriations of interest: HSD would receive \$2.5 million for behavioral health services intended to reduce the cycle of persons with mental illness going through the criminal justice system; DOH would get an extra \$2 million to support its legal effort to end the *Jackson* lawsuit, and an extra \$5 million to supplement its budget for the current

year to meet expenses in the FIT and DD waiver programs. The Office of Guardianship in the DD Planning Council is given permission to use some of its cash balance to meet the needs of persons on the waiting list for guardianship services.

### Behavioral Health/Mental Health

**HB 43** *Behavioral health interventions for non-violent offenders.* Rep. Sheryl Williams Stapleton. Charges HSD with responsibility to develop a method for meeting the needs of non-violent offenders with behavioral health diagnoses when they are in jail or prison and to connect them with supports and services when they are released, to reduce recidivism. HSD would be required to set up a grant program for counties seeking funds to implement the program. HB 2 includes \$2.5 million for this as a “special” (one-time) appropriation, so HAFC removed the funding from HB 43, and passed it along. Passed the House 60–0; SPAC/SFC.

**HB 59** *Non-discrimination against art therapists.* Rep. Christine Trujillo. Requires insurance companies to pay licensed art therapists for the services they provide if those services are covered by a policy and they pay other behavioral health providers for the same services. *Tabled indefinitely* in HHHC and very unlikely to move forward.

**HB 83** *Extreme risk protection orders.* Rep. Daymon Ely. Allows for court orders for police to seize guns from those determined to pose a high risk of violence to themselves or others. The bill does not include any reference to mental illness, and is written so that it would apply to cases of domestic violence or other threatening situations, but the sponsor of the bill has made it clear that the primary intent of the bill is to allow for the confiscation of guns from people with mental illness who are suicidal or who pose a threat of gun violence to family members or other individuals. Passed the House 39-30; passed SPAC, pending in SJC.

**HB 153** *Suicide awareness training.* Rep. Patricio Ruiloba. Requires virtually all licensed health care providers to receive a one-hour training annually on suicide awareness and prevention. Passed HHHC and HSEIC, awaiting House vote.

**HB 267** *Info sharing and local councils.* Rep. Daymon Ely. Allows for information sharing without individual consent for research purposes or for continuity of care for persons with mental illness or developmental disabilities who are entering or being discharged from criminal justice facilities. The latest version of the bill eliminates funding for local criminal justice coordinating councils. Passed HSEIC, HJC and HAFC, awaiting vote in the House.

**HB 342** *Criminal justice reforms.* Rep. Antonio Maestas. One part of this omnibus bill is nearly the same as HB 43, above, directing HSD to develop a method for meeting the needs of persons with behavioral health diagnoses when they are in jail or prison and to connect them with supports and services when they are released. HSD would be required to set up a grant program for counties seeking funds to implement the program. This bill is not limited to non-violent offenders, and because it contains no appropriation, these provisions would not go into effect until funding is provided. Passed the House 61–0; passed SPAC, pending in SJC.

**HB 348** *Emergency MH evaluations and restrictions on release of information.* Rep. James Strickler. Current state law allows a mental health professional to ask law enforcement officers to detain and transport an individual for emergency evaluation and treatment if the person poses an immediate danger to self or others due to mental illness. This bill would allow a court to order the law enforcement officer to enter a building where the person is believed to be present, in order to carry out the detention and transport, without the consent of the person or the owner of the building. In addition, the bill extensively amends the state MH/DD Code to limit the public disclosure of most police reports or video records of encounters with persons with mental illness when not directly connected to a criminal matter. Passed without recommendation in HHHC, pending in HJC.

**HB 364** *Limiting solitary confinement.* Rep. Antonio Maestas. Prohibits jails and prisons from placing persons known to have serious mental illness, or who are exhibiting obvious signs of mental illness, in solitary confinement (“restricted housing”), with some exceptions. This prohibition would not apply during the first five days of detention. The bill also covers juveniles and pregnant women. Passed HHHC and HJC, awaiting vote in the House.

**HB 500** *CYFD authority over boot camps.* Rep. Micaela Cadena. Gives CYFD licensing authority over facilities such as wilderness camps or boot camps serving youth with behavioral health issues or emotional disturbance. Passed HHHC and HSEIC, awaiting vote in the House.

**HB 563** *BH services in Albuquerque’s international district.* Rep. Sheryl Williams Stapleton. Appropriates \$200,000 to the Office of African American Affairs for behavioral health services in the “international district” in Albuquerque. Passed HHHC, heard and tabled in HAFC.

**SB 128** *Behavioral health clinic funding.* Sen. Mary Kay Papen. Would allow behavioral health clinics in rural or other underserved areas, if owned by a county or municipality, to access funding from the Behavioral Health Capital Fund to assist with construction, repair or remodeling. Passed Senate 42-0; HLLC/HAFC. *HLLC hearing scheduled for Thursday, 3/7.*

**SB 141** *Interstate psychology compact.* Sen. Jerry Ortiz y Pino. Adopts an interstate agreement regulating the temporary practice of psychology across state lines through tele-psychology. Passed SPAC, but tabled in SJC; dead for the session.

**SB 152** *MH/DD Code grievance procedure.* Sen. Liz Stefanics. Requires DOH to establish a grievance procedure to address disputes related to a client’s consent to mental health treatment or a determination that the client lacks the capacity to consent. Held over in SPAC and unlikely to move forward.

**SB 250** *Rural wrap-around services.* Sen. Mary Kay Papen. Appropriates \$7 million to HSD as the initial funding for a new program of supports and services to adolescents and adults with severe mental illness. The grant program would be focused on rural and underserved areas and would support case management, housing, employment, and other services intended to reduce relapse and promote and support independence. SPAC/SFC.

**SB 334** *AOT Funding.* Sen. Mary Kay Papen. Provides \$1 million to DOH to pass through to cities or counties that have implemented an Assisted Outpatient Treatment program for involuntary treatment of individuals with mental illness. Passed SPAC, pending in SFC.

**SB 495** *Add members to BH Collaborative.* Sen. Jerry Ortiz y Pino. Adds three members to the Behavioral Health Purchasing Collaborative: one representative each from the Behavioral Health Providers Association, the Municipal League, and New Mexico Counties. SRC/SPAC.

**SB 570** *Crisis intervention through Project Echo.* Sen. Jacob Candelaria. Appropriates \$350,000 to UNM to provide crisis intervention services through Project Echo, which is an internationally recognized telemedicine program. SPAC/SFC. *SPAC hearing scheduled for Tuesday, 3/5.*

**SB 583** *Limiting psychotropic medications.* Sen. Bill Tallman. Significantly restricts the use of psychotropic medications on foster children, and requires HSD to report to CYFD on the prevalence of psychotropic medication use for children and youth in foster care, residential treatment centers and other out-of-home placements. SPAC/SJC. *SPAC hearing scheduled for Tuesday, 3/5.*

### Brain Injury

**SB 134** *Brain injury fund appropriation.* Sen. Jerry Ortiz y Pino. Appropriates \$500,000 for the Brain Injury Services fund. Passed SPAC, pending in SFC.

**SB 171** *Brain injury fee increase.* Sen. Bill Tallman. Increases from \$5.00 to \$6.40 the portion of traffic violation fines that goes to support the Brain Injury Services Fund. *Tabled indefinitely in SJC and very unlikely to move forward.*

**SB 327** *Non-waiver of fine supporting BI fund.* Sen. Cliff Pirtle. Requires that if an individual is cited for a traffic violation, the portion of the fine that is earmarked to support the Brain Injury Service Fund (currently \$5) cannot be waived, deferred or suspended by a court. Passed SCORC and SFC, but now referred to SJC.

#### Deafness/Blindness

**HB 96** *Blind parents' rights.* Rep. Tomas Salazar. Prohibits blindness from being used as a basis for denial of parental rights. Passed HHHC, pending in HJC.

**HB 243** *Instructional opportunities for children with hearing impairment.* Rep. Dayan Hochman-Vigil. Requires all school districts and charter schools to provide individualized instruction for children who are deaf or have moderate to severe hearing loss. The bill is intended to promote easier access to programs based solely on oral communication skills for children with hearing aids or cochlear implants. Public schools could provide such services directly or pay for placements at private schools such as the Presbyterian Ear Institute. Passed HHHC; a revised version is expected to be presented at its hearing in HEC, which is *scheduled for Monday, 3/4/19.*

#### Developmental Disabilities

**HB 68** *Reduce the DD Waiver waiting list.* Rep. Liz Thomson. Directs the Department of Health to move 600 individuals on the waiting list into waiver services each year over the next five years, and appropriates \$25 million to DOH for this purpose. Passed HHHC, tabled without a hearing in HAFC. There is currently \$7 million for the waiting list in HB 2.

**HB 69** *Early detection of cerebral palsy.* Rep. Liz Thomson. Appropriates \$200,000 to DOH to provide training to health care professionals on new methods for early detection of cerebral palsy. Passed HHHC, tabled in HAFC.

**HB 354** *Autism diagnosis and services.* Rep. Liz Thomson. Appropriates \$3.6 million to the Department of Health to fund diagnostic and support services and a regional office on autism at both NMSU and UNM, to provide DD waiver services to youth who are now in residential treatment facilities, and to fund an intensive residential supports program at UNM. It also appropriates \$400,000 to CYFD for wrap-around services for high-needs youth. Passed HHHC, tabled in HAFC.

**HB 422** *DDPC membership and duties.* Rep. Joanne Ferrary. Updates the provisions of state law establishing the DD Planning Council to align with current provisions of federal law that govern the Council. Passed HHHC; pending in HJC.

**SB 355** *DD provider rate increases.* Sen. Nancy Rodriguez. Appropriates \$5 million for rate increases for agencies providing direct care services to individuals in the DD waiver program. Passed SPAC, pending in SFC.

**SM 25** *Medically fragile waiver task force.* Sen. Liz Stefanics. Calls on the Center on Development and Disability at UNM to convene a task force to develop recommendations for changes to the Medically Fragile waiver program. SRC/SPAC. Passed SRC, pending in SPAC.

#### Education Issues

**HB 5** *Education changes.* Rep. Sheryl Williams Stapleton. Proposes a variety of changes to education policy and funding processes, including higher teacher salaries, funding for extended school time, more professional development time, and requirements that school districts report on how they spend the funding they generate based on special education enrollment. The bill has an estimated price tag of about \$450 million. Similar to SB 1, below. Passed HEC and HAFC, awaiting vote in the House.

**HB 510** *School bus attendants*. Rep. Natalie Figueroa. Requires that there be at least one adult attendant on every school bus transporting one or more students with disabilities. The attendant would have to be trained in first aid and CPR, and in how to administer medications in an emergency situation. HHC/HEC.

**HB 532** *Friendships and inclusion*. Rep. Joanne Ferrary. Appropriates \$150,000 to the PED to support programs that promote friendships between students with and without intellectual and developmental disabilities and promote inclusion in school environments. Passed HEC, pending in HAFB.

**HB 567** *Students in need of accommodations*. Rep. Javier Martinez. Same as SB 467, below. HCPAC/HJC. *HCPAC hearing scheduled for Tuesday, March 5.*

**HB 591** *Mental, emotional and social health education*. Rep. Joy Garratt. Requires mental, social and emotional health education to be integrated into school curricula for grades K through 12. HEC/HHC.

**HB 615** *Mental health training for school personnel*. Rep. Raymundo Lara. Requires all school personnel to undergo annual training on student mental health needs. HEC/HSEIC. *HEC hearing scheduled for Monday, 3/4.*

**SB 1** *Education changes*. Sen. Mimi Stewart. Similar to HB 5, above, but this version doesn't increase teacher salaries as much as HB 5 and some of its effects are phased in over several years. Carries an estimated cost of around \$330 million. Passed SEC and SFC, awaiting vote in the Senate.

**SB 48** *Diabetes management in schools*. Sen. Mimi Stewart. Requires training of public school staff in diabetes management, requires school personnel to provide diabetes management services in conjunction with an approved plan for individual students, and allows students to self-manage their diabetes in school settings. **Passed the Senate and House, signed into law by the governor.**

**SB 179** *Lottery scholarship eligibility*. Sen. Liz Stefanics. Extends lottery scholarship eligibility to students with disabilities who had to attend an out-of-state high school in order to receive a free, appropriate education (as required by the Individuals with Disabilities Education Act), if they graduated from an accredited school. **Passed the Senate and House, signed into law by the governor.**

**SB 204** *Medical marijuana in schools*. Sen. Candace Gould. Directs public schools to allow parents/guardians or designated school personnel to store and administer medical marijuana in the school if the child is certified to receive it under state law because of the child's medical condition, but allows schools to opt out of this requirement in certain circumstances. Passed the Senate 35-2; HHC/HEC. *HHC hearing scheduled for Monday, 3/4.*

**SB 229** *School support and accountability*. Sen. Mimi Stewart. Repeals the A-B-C-D-F school rating system and replaces it with a new set of criteria for rating schools. Reports on school performance would have to include data specific to students with disabilities. Passed SEC and SPAC, awaiting Senate vote.

**SB 398** *Screening and services to children with dyslexia*. Sen. Mimi Stewart. Requires all school districts to screen first-grade children for possible dyslexia, and to develop and implement a literacy training program for all elementary school teachers. Passed SPAC and SEC, awaiting Senate vote.

**SB 467** *Students in need of accommodations*. Sen. Linda Lopez. "Michael's Law" would establish extensive new requirements on public schools designed to provide individually appropriate supports and services to students with behavioral challenges and reduce referrals of students to the juvenile justice system. Most of the requirements in the bill would be triggered after a student's first violation of any provision of a school's code of conduct. The bill would require schools to adopt policies providing for the limited use of seclusion and restraint, in

conflict with current provisions of law. Same as HB 567, above. SEC/SJC. Heard and held over in SEC; a substitute version of the bill is being developed and a *second hearing in SEC is scheduled for Monday, 3/4.*

**SB 611** *Train school personnel re special needs students.* Sen. Linda Lopez. Appropriates \$500,000 to the Public Education Department to train teachers, assistants, resource officers and others on working with students with special needs. Passed SEC, pending in SFC.

**SB 612** *Special education reform.* Sen. Linda Lopez. Increases the unit values for special education, which would substantially increase the amount of funding flowing to public schools to serve special education students. The bill would also increase the visibility and role of the special education program at PED. SEC/SFC. *SEC hearing scheduled for Monday morning, 3/4.*

**SB 630** *Special education loans for service.* Sen. Linda Lopez. Authorizes the Higher Education Department to provide loans to students pursuing careers in special education, including teachers, therapists, diagnosticians, etc. The loans would be forgiven if the students complete the applicable educational and license requirements and work in areas designated as shortage areas. The bill authorizes a fund that would supply the loans, but there is no appropriation in the bill for such loans. SEC/SJC/SFC.

### Health Care

**HB 48** *Training on assisted listening technology.* Rep. Patricia Roybal Caballero. Requires audiologists and other hearing aid dispensers to provide information about assisted listening systems. Passed the House 58-0; SPAC/SCORC.

**HB 70** *Health insurance coverage of prosthetics and orthotics.* Rep. Liz Thomson. Requires insurance policies to cover prosthetics and orthotics to at least the same extent as Medicare and on terms equivalent to other covered services. Passed the House 55- 7; SPAC/SCORC.

**HB 72** *Occupational therapy practice act.* Rep. Liz Thomson. Updates the OT practice act to reflect current standards and practices. **Passed the House and Senate, signed into law by the governor.**

**HB 81** *Limiting co-pays for therapy services.* Rep. Eliseo Alcon. Limits the co-pays that insurance companies charge for occupational therapy, physical therapy, or speech/language therapy to the amounts they charge for primary care visits. Passed the House 45-16; SPAC/SCORC. *SPAC hearing scheduled for Tuesday, 3/5.*

**HB 88** *Health care value & access commission.* Rep. Debbie Armstrong. Establishes a state commission to gather data about health care services and costs and to make recommendations to improve and better coordinate the provision of health care services in NM. Same as SB 101, below. Passed HHHC, pending in HAFC.

**HB 90** *Aid in Dying.* Rep. Debbie Armstrong. Authorizes prescriptions that an individual with a terminal illness could self-administer that would bring about the person's death. Amended to apply only to individuals expected to die due to the illness within six months, and to eliminate use of tele-health as a mechanism for a consulting health care professional to confirm the person's capacity and voluntariness. Similar to SB 153, below. Passed HHHC and HJC, awaiting House vote.

**HB 142** *Pre-existing condition exclusions.* Rep. Patricia Roybal Caballero. Prohibits health insurers from denying coverage to persons with pre-existing conditions, but does not prohibit higher premiums for coverage or annual or lifetime coverage limits. HHHC/HJC.

**HB 143** *PCS rate and wage increase.* Rep. Christine Trujillo. Provides \$6 million to HSD to increase provider reimbursement rates for Medicaid personal care services, with a requirement that at least half of the money be used to increase wages for the workers who provide personal care services. Passed HHHC, tabled in HAFC.

**HB 213** *Family and medical leave program.* Rep. Patricia Roybal Caballero. Creates a new benefit program allowing employees to take paid leave to take care of themselves or other family members experiencing a serious medical condition. The benefit would be paid for through employee contributions and administered by the Department of Workforce Solutions. HCEDC/HJC/HEC.

**HB 264** *Family and medical leave program.* Rep. Christine Chandler. This bill also creates a new benefit program providing paid leave for employees who need to take care of themselves or a family member due to a serious medical condition. The program would be funded by both employer and employee contributions. HCEDC/HJC/HEC.

**HB 285** *Short-term and limited-benefit insurance plans.* Rep. Micaela Cadena. Establishes state standards for these plans and authorizes the Superintendent of Insurance to regulate them. Passed the House 67-0; SPAC/SCORC. *SPAC hearing scheduled for Tuesday, 3/5.*

**HB 295** *Health Security Act.* Rep. Debbie Armstrong. Establishes a state Health Care Commission, beginning in 2021, with the authority to design a single-payer health care system for the state of New Mexico. The bill calls for development of a plan for adding long-term services and supports to the program after the first year of implementation. Same as SB 279, below. Passed HHHC and HSEIC, awaiting House vote.

**HB 322** *Autism coverage.* Rep. Liz Thomson. Prohibits health insurance companies and the Medicaid program from imposing age limits or expense limits on covered services for persons with autism. Such limits are prohibited under the federal Affordable Care Act, which has been challenged in court, but are not currently included in state law. Passed the House 50-14; SPAC/SFC.

**HB 414** *Nursing home closures.* Rep. Susan Herrera. Requires nursing homes to provide at least 90 days notice to residents, the Long-Term Care Ombudsman and others before a facility can be closed, and requires transition planning for the residents. Passed HHHC, pending in HJC.

**HB 416** *Medicaid buy-in.* Creates a Medicaid buy-in program to offer a new health coverage option that will increase affordability and access to care by leveraging the Medicaid program. Same as SB 405, below. Passed HHHC, *HAFC hearing scheduled for Monday, 3/4.*

**HB 436** *Incorporate ACA protections into state law.* Rep. Liz Thomson. Amends New Mexico law to include many of the provisions of the ACA, such as prohibiting denial of coverage based on pre-existing conditions, barring higher premiums based on a person's disability, requiring coverage of essential health benefits, eliminating co-pays for preventive services, etc. Passed HHHC and HSEIC, awaiting House vote.

**HB 642** *ALS support.* Rep. Antonio Maestas. Appropriates \$100,000 to the Department of Health to contract with the state chapter of the ALS Association to provide supports and services to individuals with ALS and their caretakers. Passed HHHC, pending in HAFC.

**SB 41** *Medicaid providers due process.* Sen. Mary Kay Papen. Provides procedural protections for Medicaid providers accused of fraud. Passed Senate 38-0; passed HHHC, pending in HJC.

**SB 85** *Domestic worker minimum wage.* Sen. Liz Stefanics. Repeals a provision of state law that excludes "domestic workers" from minimum wage protections. This would assure that personal care workers, among others, would be paid at least the state minimum wage, and that the Department of Workforce Solutions would enforce their rights to such wages. Passed the Senate 25-16; passed HLVMC, pending in HSEIC.

**SB 101** *Health care value & access commission.* Sen. Jeff Steinborn. Same as HB 88, above. Passed SPAC, pending in SJC, then to SFC.

**SB 112** *Limiting insurance policy changes.* Sen. Liz Stefanics. The substitute version of the bill passed by SPAC prohibits health insurers from changing coverage or co-pays for prescription drugs during a plan year, and requires notice of any proposed changes at least 90 days before a new plan year. Passed SPAC; pending in SJC.



**SB 123** *Using sick leave for caregiving.* Sen. Liz Stefanics. Allows employees of private businesses as well as state and public school employees who have accumulated sick leave provided by their employer to use such leave to care for an ailing family member. Passed the Senate 26-14; HHHC/HLVMC. *HHHC hearing scheduled for Monday, 3/4.*

**SB 153** *Aid in dying.* Sen. Liz Stefanics. Same as original version of HB 90, above. Passed SPAC, pending in SJC.

**SB 185** *Monitoring neurological disorders.* Sen. Jeff Steinborn. Appropriates \$100,000 to DOH to establish a program to monitor the incidence of neurological disorders and to identify, prevent and treat such disorders. Passed SPAC, pending in SFC.

**SB 279** *Health Security Act.* Sen. Carlos Cisneros. Same as HB 295, above. Passed SPAC, pending in SJC and then to SFC.

**SB 405** *Medicaid buy-in.* Sen. Jerry Ortiz y Pino. Same as HB 416, above. Passed SPAC with amendments; pending in SFC.

### Housing/Home Modifications

**HB 82** *Home rehab for veterans.* Rep. Eliseo Alcon. Appropriates \$2 million to the Mortgage Finance Authority to rehabilitate homes owned and occupied by low-income veterans; includes home modifications for accessibility. Same as SB 46, below. Passed HLVMC, tabled in HAFC.

**HB 483** *Zoning accommodations.* Rep. Gregg Schmedes. Requires local zoning authorities to permit a second small home on a residential lot, even in an area zoned for only one home per lot, if the second home is for the residence and care of a family member with disabilities. Passed HLLC, pending in HJC.

**SB 46** *Home rehab for veterans.* Sen. Richard Martinez. Same as HB 82, above. Passed SPAC, pending in SFC.

**SB 139** *Funding for GCD programs.* Sen. Jerry Ortiz y Pino. Appropriates \$300,000 to the Governor's Commission on Disability for its assistive technology and home modifications programs. Passed SPAC, pending in SFC.

### Motor Vehicles/Accessible Parking

**HB 136** *Voluntary driver registry.* Rep. Liz Thomson. Allows but does not require persons with disabilities to note, in conjunction with their car registration, that they have a disability that might affect their ability to communicate. Law enforcement officers would be required to consult the registry prior to interacting with a motorist and to take appropriate steps when attempting to communicate with a driver or regular passenger who is on the registry. Passed HTPWC, pending in HJC.

**HB 209** *Car registration fee waiver.* Rep. Miguel Garcia. Allows a low-income person with a severe, permanent disability to register one vehicle owned by the person without having to pay the usual registration fee. HTPWC/HTRC.

**HB 245** *Accessibility icon on specialty plates.* Rep. Dayan Hochman-Vigil. Directs the Motor Vehicle Division to develop an accessibility emblem or decal that could be affixed to any other specialty license plate. Same as SB 206, below, but not part of the "rocket docket". HTPWC/HTRC. *HTPWC hearing scheduled for Tuesday, Feb. 26.*

**HB 248** *Blocking accessible parking spaces.* Rep. Martin Zamora. Makes it unlawful to park a motor vehicle in such a way that it blocks access to an accessible parking space, and establishes a fine of \$250 to \$500 for violations (the same as illegally parking in an accessible space). Passed HTPWC and HJC, awaiting House vote.

**SB 189** *Parking placards for disability agencies.* Sen. Sander Rue. Allows agencies that own or lease vehicles used to transport individuals with disabilities to obtain parking placards for those

vehicles, allowing them to be parked in accessible parking spaces. **Passed the Senate and House, signed into law by the governor.**

**SB 206** *Accessibility icon on specialty plates.* Sen. Mark Moores. Same as HB 245, above. *This bill was originally part of the “rocket docket”, but is not receiving expedited handling.* SCORC.

**SB 236** *2<sup>nd</sup> free license plate for disabled veterans.* Sen. Ron Griggs. Allows disabled veterans to obtain two free specialty license plates rather than one as allowed under current law. **Passed the Senate and House, signed into law by the governor.**

#### Protective Arrangements and Services / Investigations

**HB 61** *Sexual assault study.* Rep. Christine Trujillo. Appropriates \$450,000 to the Crime Victims Reparation Commission to conduct a study of sexual assaults against persons with disabilities and to identify needed improvements in data collection to support future steps to address this problem. Passed HHC, tabled in HAFB.

**SB 42** *Expanding the use of “silver alerts”.* Sen. Richard Martinez. Expands these alerts to include endangered missing persons of any age who have dementia, and to all endangered missing persons over 50 years old. It also expands the dissemination of such alerts. Passed the Senate 38-0; passed HCPAC, pending in HJC.

**SB 395** *Guardianship reforms.* Sen. James White. Clarifies the right of allegedly incapacitated persons to participate, present evidence, and cross-examine witnesses during court hearings. Strengthens the requirement for a court review of existing guardianships at least every ten years by requiring the appointment of an investigator to assess the person’s capacity and to report to the court on the need for continuing guardianship. Requires professional guardians and conservators to be certified and in good standing with a national or state certifying organization. Deletes an existing provision giving guardians of adults all the same rights as a parent of a minor child. Passed Senate 42-0; awaiting House committee assignments.

**SM 22** *Sexual assault task force.* Sen. Linda Lopez. Calls for a task force, appointed by the Legislature, to make recommendations on how to improve and coordinate reporting of sexual assaults against individuals with disabilities. Passed SRC, pending in SPAC.

#### Tax Exemptions/Limitations

**HJR 3** *Low-income property tax exemption.* Rep. Miguel Garcia. Would amend the state constitution to exempt very low-income persons with severe disabilities from property taxes on a home they own and occupy. HLLC/HTRC.

**HB 429** *Increasing income limits for property tax limitation.* Rep. Bill Rehm. Same as SB 220, below. Passed HLLC without recommendation; heard and tabled in HTRC.

**SB 220** *Increasing income limits for property tax limitation.* Sen. Peter Wirth. Current law sets limits on increases of property taxes for low- to moderate-income homeowners who are elderly or have severe disabilities. This bill increases the income cap to qualify for the limitation from \$32,000 to \$35,000. Same as HB 429, above. Passed SPAC, pending in SCORC.

#### Contacting your Legislators

You can find out who your senator and representative are and get their contact information on the Legislature’s web page: [https://www.nmlegis.gov/Members/Find\\_My\\_Legislator](https://www.nmlegis.gov/Members/Find_My_Legislator).

From this page, choose “Search by Your Address” for either the House of Representatives or the Senate. Then ...

- Enter your full home address in the box provided under “Your Address” and click on “Search”.
- You should now see a picture of your Representative or Senator.
- Click on his or her name to get contact information.

Each legislator has an office in the Capitol during the session. You can find the office phone number in the contact information provided through the Find My Legislator function, or you can call the Capitol switchboard at 986-4300 and ask to be put through to the office of any legislator. We encourage you to bring the voice of the disability community to the Legislature!

**Policy and Legislative Action Network (PLAN):** Join your friends and colleagues in working to promote favorable action on issues of concern to people with disabilities and their families. Become part of the PLAN! We'll let you know when there are opportunities to speak out on bills in the Legislature and other key issues, and give you background info and talking points; you show the power of the disability community by following up with calls or emails to public officials. Sign up by sending an email to [info@drnm.org](mailto:info@drnm.org) and put PLAN in the subject line.

### ABBREVIATIONS USED IN THIS REPORT

#### Legislative Committees

HAFC	House Appropriations and Finance Committee
HCEDC	House Commerce and Economic Development Committee
HCPAC	House Consumer and Public Affairs Committee
HEC	House Education Committee
HHHC	House Health and Human Services Committee
HJC	House Judiciary Committee
HLVM	House Labor, Veterans, and Military Affairs
HLLC	House Local Government, Land Grants and Cultural Affairs Committee
HSEIC	House State Government, Elections and Indian Affairs Committee
HTPWC	House Transportation and Public Works Committee
HTRC	House Taxation and Revenue Committee
SCC	Senate Committees Committee
SCORC	Senate Corporations Committee
SEC	Senate Education Committee
SFC	Senate Finance Committee
SJC	Senate Judiciary Committee
SPAC	Senate Public Affairs Committee
LFC	Legislative Finance Committee (joint House-Senate committee that meets during the interim between legislative sessions)

#### State Agencies

ALTSD	Aging and Long Term Services Department
DDPC	Developmental Disabilities Planning Council
DOH	Department of Health
GCD	Governor’s Commission on Disability
HSD	Human Services Department
PED	Public Education Department
WFS	Workforce Solutions Department