



DISABILITY RIGHTS NEW MEXICO

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Promoting and Protecting the Rights of Persons with Disabilities

DISABILITY ISSUES IN THE 2020 LEGISLATURE FINAL REPORT

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(See page 4 for a list of abbreviations used in this report.)

Gov vetoes few and far between. All of the bills tracked in our reports that passed in this year's legislative session were signed into law by Governor Lujan Grisham. In fact, of the 88 bills passed in this year's legislative session, only four were vetoed: HB 45, making changes to the retiree health care fund; HB 174, exempting memory care facilities from gross receipts tax; SB 175, making some changes to the Department of Military Affairs; and SB 232, funding nearly \$50 million in highway and other transportation projects.

Even HB 2, the state budget bill, was largely spared. Most of the line-item vetoes in the bill eliminated or modified restrictions on the use of funds. In the main section of the bill dealing with on-going funding to state agencies, the only cut was to remove a \$490,000 appropriation to the Public Regulation Commission. None of the additional funding provided to agencies for disability-related services or programs was eliminated. Less than \$1 million in special, one-time appropriations was vetoed. (The governor did cut significant amounts from "capital outlay" – one-time funding for capital projects. A complete list of capital outlay funding and vetoes is available at:

https://nmlegis.gov/Publications/Capital_Outlay/Projects%20By%20County%20with%20Governors%20Actions%20-%20HB%20349,%202020.pdf.)

Why so few vetoes? As noted in last month's post-session report, the governor played a key role in driving the Legislature's policy agenda. Most of her initiatives passed and of course those were signed into law; nothing she openly objected to was passed, so there were not many obvious choices for vetoes.

Memorials are not subject to veto, but as noted in the post-session report, none of the memorials tracked in this report passed.

Disability-Related Bills Signed into Law from the 2020 Legislative Session

HB 2 General Appropriations Act (the state budget). Rep. Patty Lundstrom. This bill contains the appropriations for all state agencies for the fiscal year beginning July 1, 2020. Highlights of the final approved budget bill include the following:

- \$14 million increase for developmental disabilities programs at the Department of Health
- \$56 million increase for Medicaid, plus \$10 million to settle lawsuits from behavioral health providers whose funding was cut off in 2013
- \$312,000 increase for the Commission for the Blind [not \$575,000 as previously reported]
- \$293,000 increase for the Commission for the Deaf and Hard of Hearing [not \$400,000 as previously reported], with potential for \$500,000 more if projected revenues from telecommunications surcharges lag
- About \$600,000 increase for autism services at NMSU, part of which is earmarked for establishment of a regional office
- Increases in various programs serving persons with mental illness, including \$4 million for housing and support services for the homeless
- \$7.3 million investment in the new Kiki Saavedra Senior Dignity fund
- \$1.6 million for PED to “monitor and ensure public schools and educators provided appropriate, evidence-based instruction for students with disabilities”. PED will be required to report to the governor and legislative committees no later than Nov. 1, 2020 on how school districts spent the money they received for educating special education students. PED also received \$750,000 for its planned state-wide “convening” on special education later this year.
- HB 2 also includes language ensuring that the state will meet its “maintenance of effort” requirement for state special education funding.

HB 109 Extend GRT exemption for DME. Rep. Javier Martinez. This will extend for ten years the existing exemption from gross receipts taxes (GRT) for the sale of durable medical equipment (DME). Without this extension, the exemption would have expired in 2020.

HB 184 Training school resource officers. Rep. Patricio Ruiloba. Requires school resource officers (law enforcement officers) to receive training in de-escalation techniques, informal counseling techniques and how to respond to students with mental health disorders, in order to effectively interact with students.

HB 225 Kiki Saavedra Senior Dignity Fund. Rep. Debbie Armstrong. Creates a fund, named for the late long-serving state legislator, to improve access to transportation, physical and behavioral health services, care coordination and other assistance for seniors and adults with disabilities. *HB 2 includes \$7.3 million for this purpose.*

SB 5 Extreme Risk Protection Orders. Sen. Joseph Cervantes. This is the so-called “red flag” bill, authorizing court orders to temporarily remove weapons from someone determined to present a serious risk of violence against themselves or others. Upon the request of a current or former family or household member, employer or school official, a law enforcement officer is

required to file a petition for such a protection order if the request gives the officer probable cause to believe that the allegedly dangerous individual meets the criteria for such an order. An officer who chooses not to file a petition after such a request must notify the county sheriff. The bill removes legal immunity for any law enforcement officer who fails to comply with the duties established by this law or any other law. That provision was a specific response and rebuke to the many county sheriffs who stated that they would not enforce or comply with the law if it was enacted.

SB 96 Public school financial transparency. Sen. Jacob Candelaria. This bill requires the development and use (by December 2021) of a new, standardized system for reporting budgeted and actual revenue and expenditures by all school districts, intended to allow for easy comparisons between and among schools. The new system would have to show, for example, how much funding was budgeted for a school and a district for special education services. The bill carries an appropriation of \$3 million to the PED. *(Note: legislation passed last year already requires school districts to report on how they spent funding generated to benefit special education students; this bill will require them to use the new system to report both budgets and expenditures).*

SB 117 Property tax valuations. Sen. Bennie Shendo. Current state law provides that the valuation for tax purposes of a home owned and occupied by a low-income person with a disability cannot be raised (unless improvements to the property are made), but does not indicate when the valuation freeze takes effect. This bill clarifies that the freeze kicks in beginning with the year when an application is filed.

SB 128 Extend and expand “Assisted” Outpatient Treatment (AOT). Sen. Mary Kay Papen. This bill deletes a provision in current law that would “sunset” (repeal) the existing AOT law, which authorizes courts to order involuntary treatment for people with mental illness, on July 1, 2021. The bill also expands the list of outpatient services that can be included in a court order.

Bills with funding requests that were incorporated into HB 2

These bills did not pass in this year’s legislative session, but some of the funding they called for was included within HB 2, the state budget bill.

HB 55 Autism appropriations. Rep Liz Thomson. Appropriated \$550,000 to establish a regional office on autism at NMSU that would provide assessments and services and to provide additional funding for those services; \$1.15 million to UNM for assessments and services and to establish and operate an autism registry; \$300,000 for wrap-around services to children with autism with a need for intensive services; and \$500,000 to UNM to develop a model program for children with a need for intensive residential services. *HB 2 includes \$200,000 to establish a regional office on autism at NMSU, and about \$400,000 in additional funding for autism services provided through NMSU.*

HB 98 SSI/SSDI outreach to homeless. Rep. Christine Trujillo. Appropriated \$750,000 to the Human Services Department to support outreach efforts to homeless individuals to facilitate access to SSI or SSDI benefits based on a disability. *HB 2 includes \$200,000 for this purpose.*

SB 54 Behavioral health community integration. Sen. Mary Kay Papen. Similar to SB 182, below.

SB 56 Mental health services for student athletes. Sen. Mark Moores. Appropriated \$500,000 to UNM and \$500,000 to NMSU to provide mental health and behavioral health services to student athletes at these schools. *HB 2 includes \$225,000 earmarked for UNM and an additional \$225,000 earmarked for NMSU.*

SB 182 BH Community integration. Sen. Mary Kay Papen. Required HSD to develop and implement a community-based mental health system of support services to improve the lives of persons with mental illness. *HB 2 includes \$200,000 for implementation of the system in communities throughout the state.*

SB 127 CLSC funding. Sen. Nancy Rodriguez. Appropriated \$1 million in additional funding to the Civil Legal Services Commission. *HB 2 includes \$250,000 for this purpose, as well as a provision allowing the commission to use \$400,000 in fund balance for one year to make up for any shortfall experienced by the Commission. A potential shortfall was created when a funding increase provided in the 2019 legislative session was later re-classified as a one-time appropriation rather than recurring funding.*

Bills and Memorials That Did Not Pass in This Session

For a full list and description of disability-related bills and memorials that were introduced but did not pass this year, see the Feb. 24, 2020 Post-Session Report. If you don't already have that report, it is available on the DRNM web page, drnm.org. Click on the "Legislative Reports" tab on the left menu bar.

ABBREVIATIONS USED IN THIS REPORT

HB	House Bill	HM	House Memorial		
SB	Senate Bill	SM	Senate Memorial	SJM	Senate Joint Memorial
BH	Behavioral Health	NMSU	New Mexico State University		
DOH	Department of Health	PED	Public Education Department		
HSD	Human Services Department	UNM	University of New Mexico		