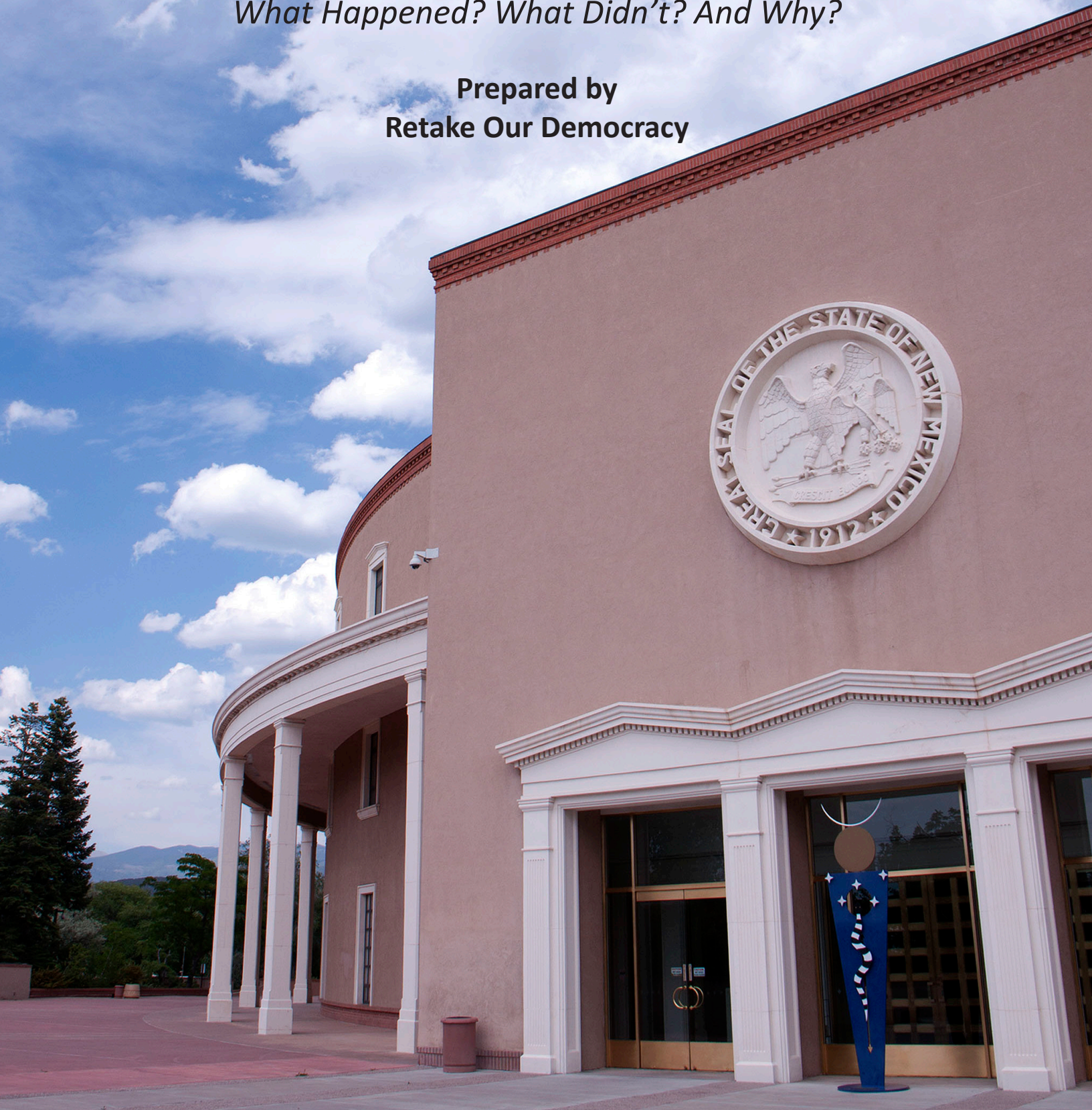


# 2019 New Mexico Legislative Report Card

*What Happened? What Didn't? And Why?*

Prepared by  
Retake Our Democracy







**Retake Our Democracy** is a volunteer-based non-profit organization committed to making personal and collective activism easier and more effective. Our goal is to build grassroots power to successfully advocate for social, racial, environmental, and economic justice at local and state levels. Guided by the belief that lasting social change emerges from dedicated local activism, we engage, educate, organize, and activate people through trainings, actions, town halls, and online alerts. We also provide resources, issue analyses, news, and upcoming events in our blog and on our weekly radio show on KSFR.

We honor the knowledge and experience of communities across our state, and much of our work is informed by our commitment to listening to leaders from advocacy and service organizations that have been “on the ground” for many years. Retake’s unique contribution is to organize the skills, expertise, and financial resources of its volunteer advocates to support and advance the goals of these frontline activist organizations.

We currently operate with three statewide strategies:

**Election Advocacy:** Since 2016, Retake Our Democracy has played an important role in local and statewide elections, working closely with allies, gathering information about key races and candidates, and guiding our volunteers to become involved in campaigns that interest them. In 2016 we promoted candidates in ten State House races and seven of them won, helping Democrats flip the House in a year that was not good for Democrats nationally. In 2018, we supported eleven Democratic House candidates, educating volunteers about how to be involved, sponsoring house parties, and recruiting volunteers to canvass and phone bank. All eleven candidates won. In both elections, we stood behind and worked with allies like Working Families Party, Progressive Democrats of America, and other statewide groups.

**Legislative Advocacy:** Retake consults with more than 30 non-profit advocacy allies such as Common Cause, Prosperity Works, and WildEarth Guardians to identify legislation that, with added advocacy, could become law. We organized volunteer advocates at the Roundhouse in the 2017, 2018, and 2019 legislative sessions. Our volunteer Research Team reviewed every bill introduced in 2019 and, in collaboration with allies, we identified

28 Must-Pass and 18 Priority Bills. We activated a statewide Response Network of 1,300 advocates, emailing daily alerts with bill info and contact info for legislators who would vote on those bills in committee or on the Senate/House floor. Our alerts were forwarded to dozens of progressive advocacy groups, magnifying the impact many times over. We provided talking points to scores of Roundhouse advocates so that they could more effectively offer public comment on bills being heard. Bill summaries prepared by our Research Team and allies were also distributed to legislators to help them understand the issues before they voted. Volunteers took careful notes at hearings and recorded every vote on our bills. Our presence at the Roundhouse in 2019 was critical to the development of this Report Card.

**Climate & Regulatory Advocacy:** Our newest strategy is advocacy at regulatory commissions and state agencies charged with oversight of our water, air, land, and natural resources. This work extends our climate advocacy statewide and year-round.

Over the next year, Retake leadership will visit communities across the state to learn more about their local issues, to meet with grassroots advocates, and to share our strategies. We hope these meetings will strengthen our statewide network and help us find ways to better support local efforts in communities throughout the state. We will continue to use our network to organize volunteers to participate in Interim Legislative Hearings, to organize local town halls, and to share information about election strategy. Unifying these strategies is an ongoing effort to build power among people and communities that have been historically underrepresented so that we can more effectively advocate for change and promote justice and equity in our state.

## Praise for the 2019 New Mexico Legislative Report Card

*Retake Our Democracy has put out a comprehensive report card that goes beyond typical report cards and delves into the legislative process and inner-workings in New Mexico. Their advocates showed up day after day to support these priority bills and work in collaboration with other supporters. Whether you care about healthcare or the environment or voting rights bills, Retake Our Democracy has you covered—and many more issues are highlighted, discussed and broken down by committee action, votes, and advocacy efforts.*

Viki Harrison  
Director of State Operations  
Common Cause and the Common Cause Education Fund

*As a former State Senator and long-time advocate I know how difficult it is for most New Mexicans to understand how things really work at the Roundhouse. Demystifying that process is important for creating real change in our state. This Report Card does an excellent job of going beyond the political theater and on-the-record votes to begin to unearth how lobbyists, political insiders and powerful elected officials orchestrate our legislative process. It is a blueprint for how we can restore accountability and people-centered power in our state legislature.*

Eric Griego  
Executive Director  
New Mexico Working Families Party

*Congratulations to Retake our Democracy for this well-researched report, which will help advocates understand the process and become effective in committee hearings, with legislators, and in electoral work.*

Dede Feldman, Former State Senator  
Author of *Inside the New Mexico Senate: Boots, Suits and Citizens*

*I want to commend Retake Our Democracy for their work at the 2019 Legislative Session. We got many great bills from our DPNM Platform passed in 2019, but we also were very disappointed on many other bills, especially in relation to energy, the decriminalization of abortion, and early childhood education. I am grateful to have this report as a resource for those seeking to study both the process of the legislature and also how to identify what and who is involved in the passage or failing of a bill.*

Sharla Parsons  
Chair, Platform & Resolutions Committee  
Democratic Party of New Mexico

## Advocates' praise for Retake's support during the 2019 Session

*You have been invaluable as THE resource for the most current and credible info on bills and actions to take.*

Terry Eisenbart, Corrales

*It was truly a feat of organization and communication. Thanks for taking us along on the ride. I have never been more involved in the legislative process.*

JoAnn Benenati, Gallup

*Retake Our Democracy's Action Alerts during the Roundhouse legislative session were clear and thorough and made it easy for so many people living distant from Santa Fe to be engaged. As a result, the Las Cruces Progressive Voters Alliance participated in the legislative process like never before.*

Don Kurtz, Las Cruces

*I am awestruck by your leadership during this session. Nobody else compares.*

Dianne Maughan, Silver City

*I personally sent out over 250 emails on various bills because you made it so easy. I also made phone calls, again because you provided all the information to do so. I can't leave my home to go to the RH but I felt so involved this year and involved others as well.*

Karen St. Clair, Santa Fe

*As a new comer to NM, it was invaluable to me to have this timely information and to involve myself in issues of significance to me and the Democratic party.*

Kathryn McCarroll, Silver City

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# 2019 New Mexico Legislative Report Card

*What Happened? What Didn't? And Why?*

## I. Introduction

The New Mexico state legislative process, compressed into frantic 30- or 60-day sessions, with hearings on weekends and into the wee hours of the morning, is a marathon run at a sprinter's pace. Understaffed and overworked, many legislators turn to lobbyists as their "experts," to inform them about the issues and to draft legislation. Often, decisions about legislation are negotiated far in advance of the Roundhouse session and in private conversations that are never reported. As a result, most voters are mystified about how it all works and how to make their voices heard.

If democracy is to thrive, legislative decisions can't be made behind closed doors, outside the view of constituents whose interests are supposed to be addressed in the legislative process. To hold legislators accountable, constituents must understand the legislative process and know how their legislators are representing them. Only with knowledge and understanding can constituents make educated decisions and take informed action.

We at Retake Our Democracy believe that democracy in our state and in our nation has been undermined for decades, largely due to the influence of money in politics, but also due to the disenfranchisement of large communities of people, leading millions of Americans into apathy and generating a deep lack of trust in the system. With the hope of restoring true democracy, and knowing it will take time, we are working to re-engage people, inform them, and support their active participation in the democratic process. This Report Card is part of that effort and just one example of what can be done by a community of determined and dedicated volunteers who believe they can make a difference and want to share what they learn to inspire others to take action and work together to retake our democracy.

Volunteers for Retake Our Democracy have been active at the Roundhouse for three sessions. We don't pretend to be experts on the inner workings of the New Mexico legislature, but we have worked very hard to achieve a growing understanding of the process. We've spent months in conversation with more than 30 non-profit advocacy allies like Common Cause and Working Families Party, discussing how the legislature works and how they've learned to navigate that process. Our volunteers attended scores of hearings, taking careful notes on votes, comments, and subtle moves that at times we did not fully understand.

We've spoken with legislators and advocates to verify our understanding of the process. And a draft of this report was reviewed by a member of the legislative staff, two former Senators, a former legislator, three members of Democratic Party leadership, and leadership from four non-profit advocacy groups. It is a challenging process to understand, and we don't claim to have it down pat, but this Report Card shares what we've learned so far.

While our initial plan was to publish tables summarizing the votes and a brief narrative explaining our methodology, it became clear

to us that a simple tally of votes would not adequately explain what happens. Votes in a committee or on the floor of the House or Senate are just one way a bill can die. And so this report discusses the numerous ways bills die during the session. We also describe how differently the legislative process can unfold when Democratic leadership is determined for a bill to pass.

There is no question that the New Mexico 2019 legislative session was the most successful of the past 8 to 10 years. The legislature increased K-12 funding by \$450 million, funded the Health Security Act fiscal analysis, secured an increase in the minimum wage, reformed the tax and revenue system to generate an additional \$200 million in annual revenue, passed several LGBTQ+ rights bills, and approved meaningful gun violence prevention laws and long overdue election and legislative reform bills. It was an impressive session by any account.

**Good bills passed in large part because Democrats stood together, voting in solidarity to a high degree.** Fully 65% of House Democrats and 65% of Senate Democrats had a 100% voting record on bills that were supported by Retake Our Democracy, and many were just a vote or two shy of 100%. Yes, there is much to celebrate, and constituent pressure via emails, calls, and presence at Roundhouse hearings contributed significantly to these achievements. Comments from many legislators underscored the elevated engagement of volunteer advocates at this year's session. They knew we were watching.

While there is much to celebrate, there is also clearly room for progress, especially in relation to energy and our environment. Several renewable energy bills died without a hearing, as did a bill that sought a temporary pause on hydraulic fracturing permits. The widely celebrated SB 489 Energy Transition Act and HB 546 Fluid Oil & Gas Waste Act had serious flaws that prevented support from Retake Our Democracy and other

grassroots advocacy groups. And other bills that sought to increase gas and oil royalty fees, penalize leaks, or enforce other regulatory violations were easily defeated.

It is no longer possible to accept modest gains in relation to legislation that will address climate change, and here we didn't make nearly enough progress. This report examines how this occurred and exposes those who were responsible.

Of the many other important issues left to be addressed in future sessions, perhaps the most significant is to protect a woman's right to choose by finally repealing an outdated state law that criminalizes abortion. We also need to continue seeking further reform of the tax code to make it more progressive so that corporations

**It is no longer possible to accept modest gains in relation to legislation that will address climate change, and here we didn't make nearly enough progress.**

and the wealthy pay their fair share and so that we increase revenues needed to fund programs to protect our working families, children, and immigrant communities, to rebuild crumbling infrastructure, and to make investments to diversify our economy and create a successful and just transition away from fossil fuels.

This report puts the 2019 legislative session in context and seeks to answer several questions that will help us lay the groundwork now for more successful sessions in 2020, 2021, and beyond:

- With Democrats holding a 46-24 majority in the House, a 26-16 majority in the Senate, and 65% of Democrats in both chambers voting in solidarity 100% of the time, how did so many good bills die?
- How are bills killed in committees? Which committees? Who chairs those committees? More than half of the 46 bills supported by



Retake Our Democracy died in committees, not by a vote, but because committee chairs never scheduled the bills for a hearing. This report names these committees and their chairs.

- Who are the legislators who never backed down, who sponsored good bills, advocated for them in the halls and caucus, and always voted for good bills?
- How did the minority party work with or against Democrats?
- Who are the legislators who used their votes and power to thwart New Mexico's progress? Here too we name names, while acknowledging that the same legislators who impede progress on some bills may work effectively to advance other important legislation.
- How did corporate lobbyists and their campaign contributions impact the legislative process?

- Finally, what do Retake, our allies, and members of our statewide Response Network need to do over the next two years to create a legislature more willing to put the well-being of our people, our wildlife, and our environment ahead of powerful corporate interests?

There is a culture in the Roundhouse that suggests advocates and legislators must be patient—that even the best bills may not gain sufficient traction to get to the governor's desk in their first session. Retake advocates heard this repeatedly from legislators and our non-profit advocacy allies. But we are running out of time. New Mexico's ranking of 49th or 50th in so many social and economic indicators is no longer tolerable, and ignoring the urgency of climate change is borderline criminal. We did well in 2019, but we can do better. Much better. **It's up to each of us to educate ourselves, to engage in the democratic process, and to take action to make it happen.** We hope this report helps you take a step further toward that goal.

## II. The Bills We Supported

Retake's leadership spent most of 2018 preparing for the 2019 session, setting up our statewide Rapid Response Network, researching bills, and working with allies to prioritize bills we knew would be introduced in 2019. Once bills began to be pre-filed, our Research Team of 20-plus volunteers combed over every bill introduced, assigned them to issue areas, and prioritized them. They then researched the prioritized bills, gathering essential data into summaries that illuminated sometimes long and convoluted bill language by citing studies and examples that got to the heart of the issue.

The Research Team continued this work throughout the session as new bills were introduced or existing bills were amended. These bill summaries were distributed to advocates and legislators alike and proved to be very useful in helping people gain a relatively quick understanding and speak confidently about the issues as bills came up for a hearing.

We identified and advocated for 46 bills, several of which had identical House and Senate versions. Our bills are listed in **Appendix III** with brief summaries of how they fared in the session.

When considering bills to support, we asked these questions:

- **Does the bill have a potentially game-changing impact and meet a broad and pressing need?**
- **Does it address the needs of significantly under-served populations or communities?**
- **Could the addition of Retake's advocacy efforts push the bill through?**
- **Is the bill a high priority for one or more of our allies?**

Beyond these criteria, we prioritized bills that addressed the needs of New Mexico's low-income working families and bills that addressed climate change. This Report Card analyzes every committee or floor action related to our 46 Must-Pass and Priority bills. Through the lens of these bills, we capture the voting tendencies of our legislators and other actions that influenced legislation in ten issue areas:

1. Climate Change, Environment, Land & Water
2. Criminal Justice
3. Economic Justice
4. Election & Legislative Reform
5. Healthcare
6. Immigration
7. Indigenous Peoples
8. LGBTQ+ Rights
9. Wildlife & Animal Protection
10. Women, Children & Families

We recognize that there were hundreds of other worthwhile bills that we could have supported with more time and resources. But our limited resources compelled us to focus, and we used the criteria described above to narrow our choices. Over and over again, as important legislation was introduced throughout the session, we lamented not being able to add more bills to our list!

Some may say that we promote a “progressive agenda” that does not fairly represent our state, but research shows that the majority of New Mexicans favor the policies represented in the legislation we support. One significant touchstone is the State Platform of the Democratic Party of New Mexico,<sup>1</sup> approved in March 2018 by 91% percent of delegates to the State Democratic Party Convention, representing every region of our state. The principles behind every bill we supported are embodied in the DPNM State Platform.

Looking at just a few of the bills that legislators killed, here are examples of data that illustrate how “progressive” legislation is supported by the majority of New Mexicans:

**HB 51 Decriminalize Abortion:** In a January 2017 survey<sup>2</sup> of more than 1,700 New Mexicans living in rural counties, 77% agreed “I can hold my own moral views about abortion and still trust a woman and her family to make this decision for themselves.” In the same survey, 82% agreed that “New Mexican women and families deserve to make our own healthcare decisions, without politicians interfering.”

**HB 356 Cannabis Regulation Act:** A January 2016 survey<sup>3</sup> by the Drug Policy Alliance found that 69% of adult New Mexicans support the legalization of marijuana for adults age 21 and over. In June 2019, Governor Lujan Grisham appointed a task force to study the legalization of recreational marijuana, suggesting a legalization bill will be heard again in 2020.

Research shows that the majority of New Mexicans support the policies represented in the legislation we support.

**SB 456 Hydraulic Fracturing Permits & Reporting:** (From the oil & gas industry itself.) In a speech<sup>4</sup> at the 2017 annual membership meeting of the New Mexico Oil & Gas Association, Executive Director Ryan Flynn told attendees, “Unfortunately our polling reveals that over 55% of New Mexicans are opposed to hydraulic fracturing. This transcends party lines.” And, “If we went to the polls today, we would see an overwhelming majority of New Mexicans take action to prohibit hydraulic fracturing.”

**SB 374 Local Choice Energy Act and HB 210 Community Solar Act:** Despite 74% of Americans agreeing “we should use solar power as much as possible,”<sup>5</sup> despite a dramatic drop in the cost of solar power in the last decade, and despite New Mexico generating only 4% of its energy through solar power though it has some of the highest solar irradiance in the country,<sup>6</sup> these energy bills went nowhere in the 2019 session.



**SB 196 No Resources for Federal Immigration Law:** A January 2019 poll<sup>7</sup> conducted by Gabriel Sanchez, a UNM professor and pollster for Latino Decisions, found that 57% of New Mexico

registered voters say our state government agencies should be prohibited from using state and local resources to enforce federal immigration law.

### III. How Did Our Legislators Do?

#### Accomplishments

We acknowledge that much was accomplished in the 2019 legislative session. The Governor’s call for an “education moonshot” was heard, with legislators passing \$450 million in increased funding for public education. And it went well beyond that:<sup>8</sup>

- **The Health Security Act**, NM’s version of healthcare for all, won funding for the fiscal feasibility study it has long sought, a huge accomplishment given 27 years of effort.
- **An increase of more than \$200 million in recurring revenue** is a step toward getting New Mexico off the boom-or-bust roller coaster of over-dependence on oil and gas revenue.
- **The Working Families Tax Credit was increased from 10% to 17%** of the federal Earned Income Tax Credit, putting \$40 million into the hands of New Mexico’s low-income working families.
- **Gun Violence Prevention bills advanced into law** for the first time in memory.
- **Coyote Killing Contests were finally banned**, an effort that has spanned many sessions.
- **Right-to-Work regulations were banned statewide**, a huge win for labor.
- **Several LGBTQ+ rights bills were signed into law**, a big step forward in ending oppression against LGBTQ+ New Mexicans.
- **Election and Legislative Reform advanced into law** after languishing or being vetoed in the past.
- **A State Income Tax deduction was enacted** to undo the harm to families from federal tax changes.
- **The state minimum wage will increase** from \$7.50 to \$9/hour in 2020, and to \$12/hour by 2023.
- **And these programs gained budget increases:**

Childcare Assistance	Medicaid
Developmental Disabilities Program	Medicaid Buy-In Study
Housing Trust Fund	Pre-K
Home Visiting	State SNAP supplement
Individual Development Accounts	

Certainly, with all of the legislation passed there was compromise involved. The pace of our minimum wage increase was slowed and legislators yielded to the restaurant lobby’s largely false claims, almost entirely eliminating any increase for tipped employees. Led by Sen. Clemente Sanchez, the Senate cut \$250M of potential revenue from the House version of the tax bill (HB 6). The Working Families Tax Credit increase was pared back from 20% to 17% in the Senate. And the Childcare Assistance bill (HB 160) stalled early, leaving working families vulnerable to losing their childcare subsidy if they experience even a modest increase in family income.

## What Didn't Get Done

We can't ignore all the valuable legislation that was left on the table, or that never even made it to the table. The most obvious failure was the Senate's inability to pass HB 51 Decriminalize Abortion, a bill that would have repealed an outdated state law that criminalizes abortion. With several state legislatures recently criminalizing abortion and with the U.S. Supreme Court tilting further and further to the right, we can no longer rely on *Roe v Wade* to protect a woman's right to choose.

Note that eight Senate Democrats joined 16 Republicans to defeat HB 51, and six Democratic House members also voted NO. (See list at the bottom of p 13.) Their votes could leave New Mexican women and their doctors in danger of facing felony charges for making decisions about their own bodies if the Supreme Court overrides *Roe v Wade*.

Recreational marijuana (HB 356) failed to get anywhere in the Senate after passing the House. And the memorial to advance a study of a state-owned public bank (SM 5) was tabled when Democratic Senators Papen and Sanchez joined their GOP colleagues to kill it.

### This is the seventh or eighth session in which a bill to fund early childhood programs died in Senate Finance without a hearing.

One of the Governor's highest priorities—securing an increase in Permanent Fund allocations for early childhood (HJR 1)—sailed through the House only to be killed in the Senate Rules Committee despite the Governor making a personal appeal with her grandchild at her side. SB 671 Permanent Fund for Pre-K, a compromise replacement bill for HJR 1, offering a half percent increase in Permanent Fund allocation, was introduced on March 4, passed Senate Education, but was never called for a hearing in the Senate Finance Committee. This is the seventh or eighth session in which a bill to fund early childhood programs died in Senate Finance without a hearing.

Finally, two immigration reform bills designed to protect immigrants from deportation both died in committees: HB 141 State Disclosure of Sensitive Info and SB 196 / HB 195 No Resources for Federal Immigration Law.

So, there is clearly room for significant progress, and nowhere is this more evident than in relation to energy, our environment, and the degree to which the New Mexico Oil and Gas Association (NMOGA) and utility monopolies PNM and El Paso Electric ruled the roost. Not a single energy-related bill that didn't have PNM's or NMOGA's approval reached the Governor's desk.

HB 210 Community Solar Act passed the House but failed in Senate Judiciary with an interesting twist. On March 12, three days before the end of the session, Senate Conservation passed HB 210 as a committee substitute bill instead of simply amending it. As a substitute bill, HB 210 then had to be returned to the House to be passed again by committees that had originally passed it. With three days remaining in the session, this effectively killed the bill. Had it simply been amended, it could have been voted on in Senate Judiciary, moved to the Senate floor, and amendments could have been reconciled in a Conference Committee before it moved to the Governor's desk. **This is the kind of nuanced procedure that Committee Chairs can use to kill bills without leaving fingerprints.**

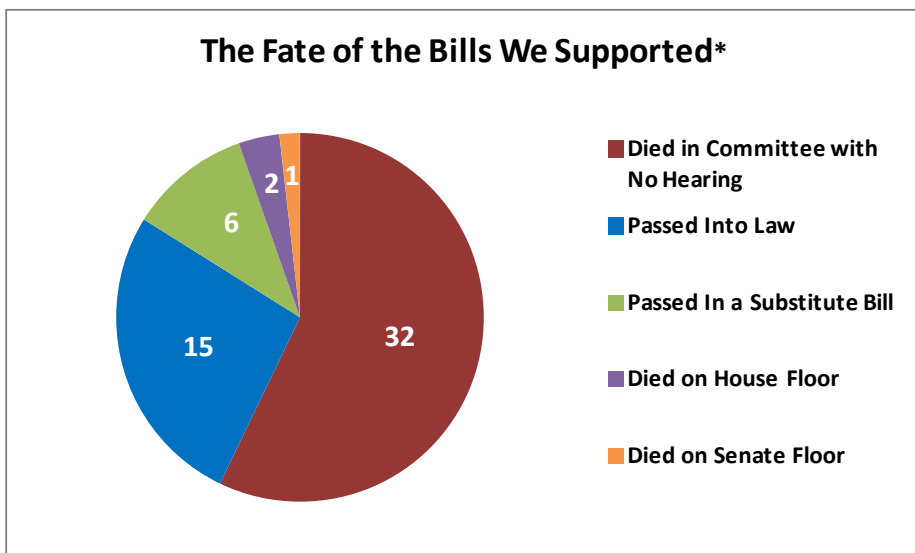
SB 456 Electric Utility Resource Procurement and SB 39 Solar Market Development Tax Credit both sat in Senate Corporations & Transportation and were never scheduled for a hearing or a vote. The same fate awaited SB 374 Local Choice Energy and SB 459 Hydraulic Fracturing Permits

& Reporting, both of which died in Senate Conservation without a hearing or vote. And one bill after another that sought to increase gas and oil royalty fees or penalize leaks or other regulatory violations was easily dismissed.

The much lauded passage of SB 489 Energy Transition Act created an unprecedented Renewable Portfolio Standard<sup>9</sup> (RPS) and provided important financial relief to Four Corners workers, but it saddled ratepayers with 100% of the cost of undepreciated or "stranded assets" and decommissioning (clean-up) costs from closing PNM's share in two coal plants, and it severely curbed the Public Regulation Commission's capacity to regulate PNM and El Paso Electric.

It should be noted that SB 489 uses a somewhat different version of RPS that measures what it calls "carbon-free" energy. This allows the inclusion of nuclear energy which is carbon-free but is not renewable or clean. Further, the RPS measures what energy utilities provide to New Mexico consumers, but it does not include gas and oil that is produced and exported, a major source of methane and other compromises to our environment.

**The vast majority of oil and over 80% of natural gas produced in NM is exported out of state,<sup>10</sup> and that is not captured in the RPS.** So we can create a 100% carbon-free RPS and still frack, extract oil, and produce methane, a much larger contributor to climate change. Many environmental groups contend that getting a gold-standard RPS via SB 489 was worth the trade-offs. While we applaud the RPS and the millions of dollars going to Four Corners to support workers and the transition, we believe this legislation is fatally flawed and its



\*Total is above 46 because we followed identical House & Senate versions of several bills.

repercussions could burden the people of New Mexico for decades to come.

Another energy bill, HB 546 Fluid Oil & Gas Waste Act, emerged only after Democratic Reps. Moe Maestas, Patricio Ruiloba, and Jim Trujillo joined Republicans to table and kill HB 398 (Oil, Gas & Vented Gas Royalties), which would have imposed higher gas royalties on state-leased land. HB 546 called for a modest increase in royalties but had to be swallowed with a glass of "produced water," which was slipped in via an amendment at the last moment and with no opportunity for a public hearing. Produced water contains "dispersed oil droplets and dissolved oil, naturally occurring radioactive material, treatment and workover chemicals, dissolved gases (particularly hydrogen sulfide and carbon dioxide), bacteria and other living organisms, and dispersed solid particles. These unfavorable impurities make it nearly impossible to process and manage produced water."<sup>11</sup>

While proponents say this treated water would be re-used in future fracking operations, the bill mentions other uses, including agriculture. When Retake Our Democracy and other advocates implored the Governor to cut the reference to agriculture, Democratic leadership assured us that using produced water for agriculture was not going to happen. Yet, as reported in the



Albuquerque Journal<sup>12</sup> two months after the bill was signed, Encore Environmental Group sought a permit to use produced water on 3,000 acres of New Mexico farmland.

It's no surprise HB 546 sailed through both chambers with no debate: it was supported by Marathon Oil, ConocoPhillips, XTO Energy, New Mexico Oil and Gas Association, and the New Mexico Business Coalition.

So, we were unable to move the needle on what really matters: a plan for New Mexico to keep fossil fuels in the ground without bankrupting our economy, and some way to protect our environment despite lobbying efforts from NMOGA and PNM.

Only one bill offered a framework for planning a just transition from our economic dependence on gas and oil: HB 28 Resource Sustainability & Security Act, introduced by Rep. Melanie Stansbury. It would have funded a Chief Sustainability and Resilience Officer who would have convened an interagency task force to explore how to "green" every state department and how to grow a sustainable economy to prepare for a just transition.

HB 28 was stripped of funding in one committee and then died in Senate Finance without a hearing. Rep. Stansbury later reported to Retake Our Democracy that she had been able to identify funding that was then inserted into a junior appropriations bill and that the Governor intended to retain a Chief Sustainability and Resilience Officer and begin the work proposed in the legislation, despite its not passing. This is a promising development as long as NMOGA does not become the driver of this process.

We fully understand why many legislators feel beholden to the oil and gas industry. **The state's budget is precariously dependent on volatile oil and gas revenues, which reached a record \$2.2 billion in 2018**, according to the New Mexico Tax Research Institute,<sup>13</sup> an increase of \$465

million from the previous year. A May 2019 report from the Legislative Finance Committee<sup>14</sup> estimates that, including Permanent Fund distribution, oil and gas revenues will make up more than 45% of the state's budget in FY 2019. This—and the eventual but certain doom of the fossil fuel industry demanded by accelerating climate change—is exactly why it is critical that legislators develop a solid transition plan away from fossil fuels to a more reliable long-term source of revenue and a cleaner, healthier future for our state.

**A May 2019 report from the Legislative Finance Committee estimates that oil and gas revenues will make up more than 45% of the state's budget in FY 2019.**

While the legislature's inability to address climate change has broader and longer-term consequences, if you are an immigrant at risk of deportation, a woman wanting to make her own healthcare decisions, or young parents who can't afford adequate food and shelter for their children, you face personal and immediate consequences. We did well in 2019, but with a Democratic Governor and huge Democratic majorities in both chambers, we need to do better.

And so, we name legislators who helped advance our bills in addition to those who exerted their influence not to advance justice, but to undermine it. We do this with some trepidation. One or two votes should not be used to judge a legislator or a committee. Retake Our Democracy is not an organization that shames every legislator who votes against one or more of the bills we support. Smart, committed people can disagree. Having said that, we feel it is our role to investigate the facts, the votes, and the process, and unflinchingly share this information, leaving constituents to decide how to act, but making decisions with a better understanding of the process and the role their legislators played in it.

## Legislators Who Courageously Advanced Justice

- **Thirty Democratic Representatives and Seventeen Democratic Senators voted 100%** of the time in favor of bills supported by Retake. You can't do better than 100%. This represents 65% of all House and Senate Democrats. Those legislators are named in the Legislator Spotlight on pp. 12-13. Several other Democrats failed to support Retake bills once or twice, but otherwise voted solidly in alignment.
- **Rep. Gail Chasey, District 18**, tirelessly and successfully fought for voter registration reforms and narrowly lost her effort to secure voting rights for convicted felons, an uphill fight that barely failed to garner the votes needed to pass. She also sponsored a long list of progressive bills, many of which are now law, including the Health Security Act fiscal study and the National Popular Vote.
- **Rep. Patricia Roybal Caballero, District 13**, a true social justice advocate, sponsored or co-sponsored 48 bills that reflected a laser focus on the under-served. She introduced HB 46 Increase Minimum Wage; HB 210 Community Solar Act; HB 122 Include Homeless in Hate Crimes; and HB 195 No Resources for Federal Immigration Law. She also co-sponsored HB 8 Background Check for Firearm Sales; HB 55 Elect President by Popular Vote; HB 295 Health Security Act; and SB 459, the fracking moratorium. Not all her bills became law, but she served as a moral compass for the House.
- **Sen. Antoinette Sedillo Lopez, District 16**, had the courage to stand up to the gas and oil industry, introducing SB 459 Hydraulic Fracturing Permits & Reporting. She also co-sponsored HB 87 Domestic Violence and Firearm Protection and SB 20 Sex Designation on Vital Records. Her fracking moratorium bill deserves special praise, as its mere introduction sent a shiver down the spines of New Mexico Oil & Gas Association (NMOGA) lobbyists. And she and Senator Joseph Cervantes were the only Democrats to vote NO on the Senate floor on HB 546, which offered an increase in gas and oil royalties in exchange for allowing "produced water," a provision sought by NMOGA. (See discussion on p. 7-8.)
- **Sen. Bill Soules, District 37**, almost single-handedly derailed SB 489 Energy Transition Act during the Conservation Committee hearing, and he introduced an alternative to 489 in SB 275 Increase Renewable Portfolio Standards. He also introduced SB 492 Utility Securitization Financing, a "clean" alternative to 489 that neither gutted PRC authority nor bailed out PNM at ratepayer expense. (Neither SB 275 nor SB 492 passed.)
- **Governor Michelle Lujan Grisham, Speaker Brian Egolf, and Senate Floor Leader Peter Wirth** are obviously responsible for a good deal of what was achieved in the 2019 session. They played major roles in marshalling support for bills that were prioritized by Democratic Party leadership.
- **We also commend the 15 new members of the House.** Their contributions were immense, shifting the political calculus of the House significantly to the left. They served admirably, though they may not have really known what was in store for them in their first session—weekend hearings were already common in early February and March floor hearings ran well past midnight.

- **On the other side of the aisle, four Senate Republicans voted for more than half of our bills:** Sen. Gay Kernan (61%), Sen. Sander Rue (54%), Sen. James White (53%) and Sen. William Payne (50%). GOP House members didn't do as well: Rep. Gail Armstrong had the highest rate (28%) followed by Rep. Jason Harper at 27%. In comparison, Democratic Rep. Candie Sweetser voted in favor of our bills only 56% of the time and Democratic Sen. John Arthur Smith just 64% of the time.
- **In addition, we want to call out some non-profit advocates and allies** for successfully marshalling key bills that advanced justice: Heather Ferguson, Common Cause; Mary Feldblum, New Mexicans for Health Security; Miranda Viscoli, New Mexicans to Prevent Gun Violence; and Adrian Carver, Equality New Mexico. We also want to commend Mariel Nanasi from New Energy Economy, who did her best to improve SB 489 with facts and suggested amendments, to no avail. We add a special acknowledgment to Marcela Diaz and Somos Un Pueblo Unido, who organized impacted communities for hearing after hearing on bills related to immigration, minimum wage, and wage theft. See **Appendix II** for a list of our allies.
- **We also want to acknowledge Retake's volunteer advocates** who researched bills and wrote summaries, called and emailed legislators, offered public comment, sent daily alerts to their local groups, organized and supported other volunteers, and distributed bill summaries to legislators when Retake bills were coming up for a vote in a hearing or on a chamber floor. These volunteers had a profound impact on the legislative process. See a list of Retake volunteers in **Appendix I**.
- **And there were grassroots advocacy groups throughout the state** that played an enormous role in advocating on behalf of good bills: Indivisible groups from Nob Hill, Truth or Consequences, Farmington, Ruidoso, Espanola, Las Cruces, and elsewhere; Westside Dems Political Action Group (ABQ); Progressive Voters Alliance in Doña Ana and Grant Counties; Democratic Socialists of America, Santa Fe; Taos United; Progressive Democrats of America, ABQ; Adelante Progressive Caucus of the Democratic Party of New Mexico; New Mexico Resistance; and others who spread the word, galvanizing thousands statewide.

## Those Who Too Often Impeded Justice: Republican Roadblocks

Much of the analysis in this report is devoted to how Democrats supported or killed the bills we advocated for. However, the legislature is comprised of two parties and most Republicans voted against our bills at very high rates. This was not unexpected, so we won't devote a good deal of time to discussing it.

Besides voting against bills there are many other ways that the minority party or a GOP legislator can impede the legislative goals of a majority party. Perhaps the most influential way in which the GOP impeded progressive legislation was by voting with conservative Democrats in the Senate to ensure that Sen. Mary Kay Papen remained as Senate President Pro-Tem. The Pro-Tem is, by rule, Chair of the Senate Committees' Committee, which makes all Chair, Vice-Chair, and member appointments for standing Senate committees.<sup>15</sup> Papen is among a handful of Democratic





leaders who are at the table in the last days and nights of the session, working to reach agreements on Senate and House versions of key bills, especially the budget (HB 2) and tax and revenue (HB 6) bills. We discuss details of the committee process in section IV on p. 15.

Anyone who attended committee hearings witnessed another GOP strategy to impede the legislative process: Republican legislators' endless and repetitive questions designed to drag out committee hearings and stall bills. This strategy essentially consumes time, perhaps the most precious resource in the legislative process. With only 60 days to pass bills, every hour is critical, and so every hour frittered away by

asking the same questions a GOP colleague just asked eliminates opportunities to address more legislation.

We asked Rep. Daymon Ely about this and he said there wasn't much that could be done, admitting, "To be fair, if the shoe were on the other foot, we'd [Democrats] be doing the same thing." But some Committee Chairs seemed better at curtailing endless questions than others. Rep. Matthew McQueen, in chairing the House Energy, Environment and Natural Resources Committee, finally had enough of Rep. Rod Montoya's pointless questions, slamming down the gavel and calling an end to discussion. Montoya and other Republicans stormed out in protest.

## Those Who Too Often Impeded Justice: Disappointing Democrats

In addition to Democrats who supported our bills 100% of the time, the Legislator Spotlight on pp. 12-13 identifies those who far too often voted NO on excellent bills. As you scan the Spotlight, it's important to note that all the bills Retake supported advance goals that are explicitly identified in the Democratic Party of New Mexico's State Platform or are entirely consistent with its principles. As such, it is problematic when Democrats routinely vote NO on these bills. See **Appendix III** for a complete list of our bills and their fate in the 2019 session.

It's important to recognize that legislators can exert their influence beyond voting, and so in addition to identifying legislators for their voting habits we look at their roles as committee chairs as well. Here, we examine how Committee Chairs exert their influence beyond their votes. We also "follow the money" and look at 2016 and 2018 campaign donation data compiled by VoteSmart.<sup>16</sup>

### Rep. Patty Lundstrom, District 9, Chair of House Appropriations and Finance

Legislators and advocates developing legislation are cognizant of the political calculus in both chambers. In the House, bills that require funding must pass through the House Appropriations & Finance Committee, chaired by Patty Lundstrom. Tabling is one way to kill a bill, and we watched her table bill after bill with little or no objection from other committee members. She killed HB 295 Health Security Act by tabling it and let HB 416 Medicaid Buy-In Act die without a hearing.

A review of Lundstrom's key NO votes profiled in the Legislator Spotlight on p. 12 shows that she voted NO on decriminalizing abortion, legalizing recreational marijuana, and protecting victims of domestic violence from firearms. Her NO vote on HB 210 Community Solar Act came after receiving nearly 20% of her 2018 campaign contributions from the energy industry. Fully 40% of her \$169,000 of 2018 campaign contributions were from out of state, and her top donor sectors were Health, Energy, Finance, Government Agencies, and Lawyers and Lobbyists, making up nearly 70% of contributions. Only 6% of her contributions were from individuals. She received an 88% rating from the Association of Commerce and Industry.



# 2019 New Mexico Legislator Spotlight

## The 100% Club

Democrats who voted YES on all 46 Must-Pass or Priority bills  
in committee or on the chamber floor:

### House

Abbas Akhil, District 20  
Eliseo Lee Alcon, District 6  
Deborah Armstrong, District 17  
Karen Bash, District 68  
Micaela Cadena, District 33  
Christine Chandler, District 43  
Gail Chasey, District 18  
Brian Egolf, District 47  
Daymon Ely, District 23  
Joanne Ferrary, District 37  
Doreen Gallegos, District 52  
Miguel Garcia, District 14  
Joy Garratt, District 29  
Susan Herrera, District 41  
Day Hochman-Vigil, District 15

Georgene Louis, District 26  
Javier Martinez, District 11  
Matthew McQueen, District 50  
William Pratt, District 27  
Andrea Romero, District 46  
Andrés Romero, District 10  
Patricia Roybal Caballero, District 13  
Angelica Rubio, District 35  
Debra Sariñana, District 21  
Nathan Small, District 36  
Melanie Stansbury, District 28  
Sheryl Williams Stapleton, District 19  
Liz Thomson, District 24  
Christine Trujillo, District 25  
Linda Trujillo, District 48

### Senate

Jacob Candelaria, District 26  
Joseph Cervantes, District 31  
Daniel Ivey-Soto, District 15  
Linda Lopez, District 11  
Bill O'Neill, District 13  
Jerry Ortiz y Pino, District 12  
Michael Padilla, District 14  
John Pinto, District 3  
Nancy Rodriguez, District 24  
John Sapien, District 9  
Antoinette Sedillo Lopez, District 16  
Benny Shendo, District 22  
William Soules, District 37  
Liz Stefanics, District 30  
Mimi Stewart, District 17  
Bill Tallman, District 18  
Peter Wirth, District 25

**Sometimes Democrats:** The 13 Democrats below voted NO on a range of good bills. Many also serve as Committee Chairs and kill bills by never giving them a hearing. This session, 878 bills were killed in committees without a hearing. On pp. 11 and 14-15 of this report, we examine some of these Democrats' campaign contributions, shedding light on many of their votes.

### House

**Rep. Patty Lundstrom, District 9, Chair of House Appropriations & Finance, voted NO on the House Floor on:**

HB 51 Decriminalize Abortion  
HB 210 Community Solar Act  
HB 87 Domestic Violence & Firearm Possession  
HB 356 Cannabis Regulation Act

**Candie Sweetser, District 32, voted NO on the House Floor on:**

HB 51 Decriminalize Abortion  
HB 55 Elect President by Popular Vote  
HJR 1 Permanent Funds for Early Childhood  
HB 31 Phased-In Minimum Wage  
HB 6 Tax Changes (tax reform bill)  
HB 87 Domestic Violence & Firearm Possession

**Rep. Harry Garcia, District 69, voted NO on the House Floor on:**

HJR 1 Permanent Funds for Early Childhood  
HB 87 Domestic Violence & Firearm Possession  
SB 328 Orders of Protection & Firearm Ownership  
SB 76 Prohibit Coyote Killing Contests

**Patricio Ruiloba, District 12, voted NO on the House Floor on:**

HB 55 Elect President by Popular Vote  
HB 51 Decriminalize Abortion  
HB 6 Tax Changes  
HB 87 Domestic Violence & Firearm Possession  
With two other Dems., killed HB 398 (Oil & Vented Gas Royalties) by voting to table in House Commerce & Econ. Dev.

SB 328 Orders of Protection & Firearm Ownership  
HB 356 Cannabis Regulation Act  
SB 76 Prohibit Coyote Killing Contests  
HB 83 Extreme Risk Protection Order Act  
SB 8 Firearm Sale Background Checks

HB 89 Health Coverage for Contraception.  
HB 83 Extreme Risk Protection Order Act  
HB 356 Cannabis Regulation Act  
SB 8 Firearm Sale Background Check

SB 328 Orders of Protection & Firearm Ownership  
HB 356 Cannabis Regulation Act  
SB 76 Prohibit Coyote Killing Contests  
SB 8 Firearm Sale Background Check

**Joseph Sanchez, District 40, who is now running for U.S. House in CD 3, voted NO on the House Floor on:**

HB 51 Decriminalize Abortion	HB 356 Cannabis Regulation Act
HJR 1 Permanent Funds for Early Childhood.	SB 76 Prohibit Coyote Killing Contests
HB 87 Domestic Violence & Firearm Possession	HB 83 Extreme Risk Protection Order Act
SB 328 Orders of Protection & Firearm Ownership	

## Senate

**Mary Kay Papen, District 38, Senate Pro-Tem, Chair of Senate Committees' Committee, voted NO on the Senate floor on:**

HB 51 Decriminalize Abortion  
SB 76 Prohibit Coyote Killing Contests  
HB 85 Union Security Agreements.  
SB 8 Firearm Sale Background Check  
Also voted with Sen. Sanchez to table SM 5 Study State-Owned Bank in Senate Rules, killing the bill.

**Clemente Sanchez, District 30, Chair of Senate Corporations & Transportation, voted NO on the Senate Floor on:**

HB 51 Decriminalize Abortion  
SB 76 Prohibit Coyote Killing Contests  
HB 85 Union Security Agreements.  
SB 8 Firearm Sale Background Check  
Also voted with Sen. Papen to table SM 5 Study State-Owned Bank in Senate Rules, killing the bill.

**John Arthur Smith, District 35, Chair of Sen. Finance, failed to schedule 5 Retake bills and voted NO on Senate Floor on:**

HB 51 Decriminalize Abortion  
SB 76 Prohibit Coyote Killing Contests  
HB 85 Union Security Agreements  
SB 8 Firearm Sale Background Check

**Richard Martinez, District 5, Chair Sen. Judiciary, failed to schedule 6 Retake bills and voted NO on Senate Floor on:**

HB 51 Decriminalize Abortion  
SB 76 Prohibit Coyote Killing Contests  
SB 492 Utility Securitization Financing

**George Muñoz, District 4, voted NO on the Senate Floor on:**

HB 51 Decriminalize Abortion  
SB 76 Prohibit Coyote Killing Contests  
SB 8 Firearm Sale Background Checks

**Gabriel Ramos, District 28, voted NO on the Senate Floor on:**

HB 51 Decriminalize Abortion  
SB 76 Prohibit Coyote Killing Contests  
SB 8 Firearm Sale Background Check

**Pete Campos, District 8, voted NO on the Senate Floor on:**

HB 51 Decriminalize Abortion  
SB 76 Prohibit Coyote Killing Contests

**Carlos Cisneros, District 6, voted NO on the Senate Floor on:**

HB 51 Decriminalize Abortion  
SB 8 Firearm Sale Background Check

## Democrats Who Voted NO on HB 51 Decriminalize Abortion

### House

Anthony Allison, District 4  
Doreen Wonda Johnson, District 5  
Patricia Lundstrom, District 9  
Patricio Ruiloba, District 12  
Joseph Sanchez, District 40  
Candie Sweetser, District 32

### Senate

Pete Campos, District 8  
Carlos Cisneros, District 6  
Richard Martinez, District 5  
George Muñoz, District 4

Mary Kay Papen, District 8  
Gabe Ramos, District 28  
Clemente Sanchez, District 30  
John Arthur Smith, District 35



## Sen. Mary Kay Papen, District 38, Senate Pro-Tem, Chair of Senate Committees' Committee

Like Rep. Lundstrom, Senator Papen has enormous influence on legislation regardless of how she casts her votes, but her votes did derail two important bills. She was one of eight Democrats who voted NO on HB 51 Decriminalize Abortion, and she joined Sen. Clemente Sanchez to kill SM 5, which would have launched a study of a state-owned bank. Her vote on HB 85 Union Security Agreements is inconsistent with the Democratic Party's alliance with labor, though HB 85 passed despite her opposition. As President Pro-Tem and Chair of the Committees' Committee she is responsible for the consolidation of conservative Democratic control because she makes Senate committee chair appointments.

Sen. Papen is also beholden to industry. Her top eight campaign contributors in 2016 were El Paso Electric, Pfizer, Sen. Peter Wirth's Campaign Committee,<sup>17</sup> Devon Energy, PNM Resources, NM Health Care Assoc., ConocoPhillips, and Western Refining. Only 9% of her donations came from individuals, and she received a 100% rating from the Association of Commerce and Industry.

## Sen. Clemente Sanchez, District 30, Chair of Senate Corporations & Transportation

Four bills we supported died in Senate Corporations & Transportation without being heard, including three key energy bills. Sen. Sanchez is another conservative Democrat who too often votes with the GOP to kill good legislation. Like Senators Papen and Smith, and Rep. Lundstrom, his influence extends far beyond his vote. As we note in the discussion on p. 19, senior environmental advocates admitted that for any energy bill to get to the Governor's desk it must pass Senate Corporations and it must be tailored to get Sen. Sanchez's approval. And his ties to the banking industry were revealed by his vote on SM 5, the public banking memorial which was killed with his and Papen's vote to table.

Forty percent of Sen. Sanchez's 2016 campaign funding came from either the Energy or Finance industry, almost half of his donations came from out of state, and just 7% from individuals. He also enjoys a 100% rating from the Association of Industry and Commerce.

## Sen. John Arthur Smith, District 35, Chair of Senate Finance

Five Retake-supported bills died without a hearing in Senate Finance. Sen. Smith has been called "Dr. No" for his steadfast refusal to approve tax and revenue increases and his opposition to a wide range of spending bills. And his opposition matters. Smith "is probably the most influential legislator in the New Mexico Legislature," said Garrey Carruthers, former NM Governor and president of New Mexico State University.<sup>18</sup> Sen. Smith let it be known that he would not allow the Permanent Fund to be tapped for early childhood. HJR 1, which would have provided a 1% increase in Permanent Fund revenues for early childhood education, was killed in Senate Rules (again, thanks to Senators Sanchez and Papen). And when a replacement bill was introduced, SB 671, calling for a more modest ½% increase, it quickly passed Senate Education, only to wind up in Smith's Senate Finance Committee where it died without a hearing.

Senator Smith received 41% of his funding from out of state in 2016, just 8.6% from individuals, and over 75% from Energy, Health, Business, and Finance industries. He also received a 100% rating from the Association of Commerce and Industry.

## Sen. Richard Martinez, District 5, Chair of Senate Judiciary

Six bills supported by Retake died without a hearing in Senate Judiciary, including both immigration protection bills, SB 196 / HB 195 No Resources for Federal Immigration Law, and HB 141 State Disclosure of Sensitive Information; HB 210 Community Solar; SB 670 Patient Safe Staffing Levels; and SB 386 Small Loan Interest Caps. Senator Martinez was among eight Senate Democrats who voted NO on HB 51 Decriminalize Abortion. He likely would have voted NO twice, but somehow he was absent from his own committee when Senate Judiciary voted to pass HB 51.

Of all the legislators we researched on VoteSmart.org, Martinez benefitted from the highest percentage of donations from industry, with 69% of his 2016 campaign funding coming from Finance, Real Estate, Energy, Health, and Business. If you add in Lawyers, Lobbyists, and Communications, the proportion from industry is 80%. Fifty percent of his donations came from out of state and less than 9% from individuals. And he has a 100% rating from the Association of Commerce and Industry.

**And so we see that there is an outsized level of influence exercised by a relatively small number of conservative Democratic Committee Chairs,** all of whom receive the vast majority of their campaign funding from industries that have a strong vested interest in legislation over which

these legislators have authority. None of these chairs receives even 10% of their contributions from individuals, causing one to question who their real constituents are and where their allegiances lies. The next section describes in more detail how the committee process works.

## IV. How Bills Are Killed in Committees

For some time, Retake our Democracy has asserted that the real story in the Roundhouse is in the committees, and the research for this Report Card bears that out. We expected to find an array of bills killed in committees, with NO votes resulting from one or two Democrats defecting and voting with the GOP. But that was not the case. Only one of our Must-Pass or Priority bills was actually killed by a NO vote: HB 51 Abortion Decriminalization. And this occurred on the Senate Floor, not in committee. (See **Appendix III** for a detailed description of the fate of each of our bills.)

Given that 21 of our 46 bills were passed and signed into law and one was voted down on the Senate Floor, that means that more than half of our bills simply died from neglect in one committee or another or on the House Floor. Bills are scheduled at the discretion of the committee chair, and no reason needs to be given when bills do not get scheduled. In some cases, bills were passed by two or three committees and then sent to another committee where the chair simply decided not to schedule it for a hearing, essentially killing the bill. One bill even passed through two committees and the full Senate, only to die without a vote in the House. In eight instances, bills were introduced, assigned to

a committee early in the session and never scheduled for a single hearing. And so those bills died with no vote or public discussion.

This Report Card originally included two bar graphs that identified the number of bills that, at session's end, were designated on the New Mexico Legislature website (nmlegis.gov) as "Action Postponed Indefinitely" (API). Initially, we understood this to reflect the number of bills that had died in committee without a hearing. A few days after the Report Card was first published, that view was corrected by some reliable sources. A bill may be designated API for a number of reasons, including when a

bill is tabled because an agreement has been reached to fund the bill by inserting it into the appropriations bill or a supplemental spending bill. Also, a bill may be designated API if there were identical Senate and House versions and one of those passed through both chambers and was sent to the Governor. In this instance the companion bill from the other chamber would sit in committee without being heard, not out of an effort to kill the bill, but because there was no point in hearing a bill whose identical companion bill had already been sent to the Governor.

An API designation may result when the bill sponsor asks, for whatever reason, that the bill be pulled. API may also mean the committee voted to table the bill, no reason given. And finally, a bill may be designated API whenever a committee chair simply decides not to schedule it for a hearing.

In the original version of the Report Card we did not have this nuanced understanding of the API designation and so the bar graph data overstated the degree to which bills were killed without a hearing. Though the API numbers for each committee were correct, it was impossible to know from data available at nmlegis.gov when bills were designated API for the above reasons.

While we acknowledge our incomplete understanding of this issue, we also feel this points to a problem that could be remedied and offer more transparency to the public. The legislature could identify the various reasons

bills are designated API and, at session's end, instead of tagging over 1,000 bills simply as "API," it could identify which were funded in the appropriations bill, which had an identical Senate or House version passed, which were pulled at the request of the sponsor, which were tabled by the committee, and which were never scheduled for a hearing by the committee chair. In this way, the reason for the Action Postponed Indefinitely designation would be clear.

We asked a dozen individuals with experience at the Roundhouse to review a draft of this report, one being former State Senator Dede Feldman, who wrote the book *Inside the New Mexico Senate*. She reminded us that back when the Roundhouse was far more conservative, when right-to-life, parental notification, right-to-work, chemical castration, and death penalty bills were routinely debated and could have passed both chamber floors, committee chairs often killed bills by never scheduling them for a hearing, bills that the GOP governor would have signed had they reached her desk. But that was when we had a GOP governor. Today, with a Democratic governor, vetoes protect us from regressive bills.

Our problem now is that despite having a solid Democratic majority in the House and Senate and a Democratic governor on the fourth floor, eight Democratic Senators too often vote with Republicans or do the work of the Republicans by killing good legislation that would have otherwise gone to the governor's desk.

## Exactly Where Did All of Our Bills Wind Up?

Following is a summary account of our bills that passed or died and how they died. See **Appendix III** for a detailed list of all the bills, whether they passed, or how they died. The totals below don't add up to the exact number of Retake-supported bills (46), because some bills were introduced with identical versions in the House and Senate and we tracked and reported on both versions.

### 15 Passed and were signed into law.

- 6 Passed and were signed into law as an amendment in another bill or reintroduced as a substitute or "junior" bill.



- 7 Died in House Committees: Appropriations & Finance; Education; Energy, Environment & Natural Resources; Health & Human Services; Judiciary; State Government, Elections & Indian Affairs (2).
- 6 Died in Senate Judiciary, Chaired by Sen. Richard Martinez.
- 5 Died in Senate Finance, Chaired by Sen. John Arthur Smith.
- 4 Died in Senate Conservation, Chaired by Sen. Joseph Cervantes.
- 4 Died in Senate Corporations & Transportation, Chaired by Sen. Clemente Sanchez.
- 3 Died by being tabled in committees.
- 3 Died in Senate Rules, Chaired by Sen. Linda Lopez.
- 2 Died on the House Floor.
- 1 Died on the Senate Floor.

How do so many bills die? Why? And what can we do about it? Democratic Party leadership will say that with over 1,600 bills, memorials, and resolutions introduced and just under 300 bills passed into law, there simply wasn't the time or capacity to wade through more bills.

There is truth to this, and it points to a practical but politically challenging solution: Imagine paid legislators with a vastly expanded staff, legislators who meet for 8-10 months a year, perhaps in two annual sessions. Not only would this give the legislature time to more thoughtfully consider, discuss, and amend bills, and to meet more often with constituents, it would diversify the Roundhouse by enabling working people to run for office.

Even with the recent infusion of "new blood" in the House, the vast majority of legislators are either retired or have adequate income to devote unpaid time to legislative duties. Average working people simply can't take a month or two out of their lives to do this. **And this robs our legislature of an invaluable perspective, the perspective of the majority of New Mexicans.** To achieve this outcome would require a constitutional amendment approved by voters, a very heavy lift, but clearly a needed one.

Lack of time isn't the only thing that impedes the process. **When leadership wants a bill**

**to become law, the process can move with lightning speed**, as was evident with HB 546. Recall that HB 546 was the substitute bill for HB 398 Oil, Gas & Vented Gas Royalties, which was tabled in House Commerce & Economic Development early in the session. In just 5 days, HB 546 passed through two committees, two floor votes, and a conference committee before reaching the Governor's desk. Along the way, in the dead of night with no one from the public present, the produced water amendment was added and the Conference Committee report was approved by both chambers.

Sometimes, creative maneuvers by experienced advocacy organizations can save a bill from efforts to kill it. For example, HB 295 Health Security Act (HSA) was tabled in the House Appropriations & Finance Committee, Chaired by Rep. Patricia Lundstrom, while its companion bill SB 279 passed through Senate Public Affairs on Feb. 8, only to be stuck without a hearing in Senate Judiciary for the remaining six weeks of the session.

But HSA proponents moved quickly to create and introduce a substitute, HM 92, in early March, which then received a unanimous "Do Pass" in House Appropriations & Finance before moving to the House Floor where it passed by a 46-18 vote.

Memorials do not need to pass both chambers or be signed by the Governor. And because Memorials typically do not contain funding, HM 92 sailed through House Appropriations & Finance, where HB 295 had already been tabled and killed. But without funding, a fiscal study could not have been conducted for the HSA, gutting the purpose of the legislation.

So bill sponsors and advocates from Health Security for New Mexicans Campaign (HSNMC), the advocacy group that had been pushing the bill for 27 years, persisted and skillfully found the funding. With a surplus budget this year, each legislator was allocated discretionary funding to apply to any bill, and enough legislators committed funds (\$389,000) to HM 92 to ensure the study could be completed.

If it were not for HSNMC's persistence and creativity, Rep. Patricia Lundstrom may have prevailed. But because they worked the floor and didn't give up, New Mexico is first among all states in the nation in the race to implement

universal healthcare. Advocates are confident that the study will demonstrate HSA's fiscal viability and its ability to meet the health needs of New Mexicans.

But few bills are lucky enough to be saved by this kind of creative leverage. And so, many bills simply languish in committees without being scheduled for a hearing, as described above. This is especially common in the Senate, where entrenched and conservative-to-moderate Democrats rule their committees with iron fists. As noted previously, over one-third of the bills we supported died in one of four Senate Committees without a vote.

Other bills are tabled, and because tabling occurs without a published vote, this allows committee chairs to bury a bill without having to hear and vote on it, and it allows colleagues to avoid going on record with their vote. This happened with three bills that Retake supported (SM 5 Study State-Owned Bank, HB 295 Health Security Act, and HB 398 Oil, Gas & Vented Gas Royalties) but Retake advocates were in the committee hearing rooms and recorded the votes to table. **Without Retake observers in the hearing rooms, these votes to kill very good bills would have escaped scrutiny.**

**Tabling without a published vote allows a chair to bury a bill without having to hear and vote on it, thus allowing colleagues to avoid going on record with their vote.**

## Some Final Thoughts About Committee Chairs

To begin to address the undemocratic power of committee chairs, it helps to understand how they are selected. In the House, the selection process is transparent. Speaker Egolf makes all appointments to committee chair and vice chair positions based on a number of factors, including seniority, expertise, and the backgrounds of legislators being considered. And there are constraints on who can serve as a House committee chair or vice chair. No member of the Democratic Party leadership can serve as a chair or vice chair (Speaker, Majority Whip, or Majority Floor Leader) and no member of the House Appropriations and Finance can serve as a chair or vice chair. While it is impossible to know exactly why any specific appointment is made, the process is relatively transparent.

The real problem, and a problem that is far thornier to fix, resides in the Senate. Senate Committee chairs are appointed by the President Pro-Tem, a position held by Sen. Mary Kay Papen since 2013. Senate Majority Leader Peter Wirth

doesn't make these appointments. The Pro-Tem is selected by a vote of the full Senate, and for years extending back well before Sen. Papen was elected, moderate and conservative Democrats vote with Republicans to select a conservative

Democrat. Calling it an election is a misnomer, as there is seldom a public vote for the Pro-Tem. Votes are promised in backroom conversations to those seeking the position. It quickly becomes clear who has the most support and, rather than hold a public vote, a move is made to declare the Pro-Tem by acclamation. Hardly a transparent process.

The Pro-Tem is also the Chair of the Senate Committees' Committee, which makes all standing committee appointments, not just Chairs but all members. The Committees' Committee also votes to determine which bills are "germane" and can be introduced in short sessions like 2020, essentially serving as a gatekeeper for which bills can even be considered.

The current composition of this powerful committee is three Republicans, six of the eight Democrats who voted no on HB 51, plus the Senate Floor Leader (Wirth) and the Senate Democratic Whip, (Stewart). So nine of the eleven members are either Republicans or they are Democrats from our list of "Sometimes Democrats" who far too often have worked to undermine good Democratic legislation.

Democratic leadership would be wise to explore reforms that would democratize the selection of the Pro-Tem, committee chair appointments, and the power of the Senate Committees' Committee. It is simply undemocratic for a band of conservative Democratic Senators to join with the GOP to throttle legislation that embodies the values and goals expressed in the State Democratic Party Platform, legislation that our state clearly needs.

**It should come as no surprise that ten of the 14 Senate and House Democrats who voted against HB 51 Abortion Decriminalization are either a chair or vice chair of a committee.** As we've discussed, the power and influence of conservative Democrats extends well beyond their votes or their role on influential

committees. These Democrats limit which bills will work their way through the legislature and they have power over the content of those bills.

Nowhere was this more evident than with SB 489 Energy Transition Act (ETA). With the exception of one amendment offering consultation with indigenous populations, all efforts to improve the bill failed and failed for one reason: the sponsors of the bill and the environmental organizations pushing the bill had done the political calculus months earlier. They knew nothing would get through Senate Corporations and Transportation Committee, chaired by Sen. Clemente Sanchez, if PNM did not approve of the bill.

**It is simply undemocratic for a band of conservative Democratic Senators to join with the GOP to throttle legislation that embodies the values and goals expressed in the State Democratic Party Platform.**

These groups and the bill sponsors wanted a strong Renewable Portfolio Standard and they wanted to direct funds for training of employees losing their jobs when the San Juan coal plant closes in 2020 (both very good things), but PNM had set the price tag: SB 489 as is, with no amendments.

To underscore the point one last time, the same political constraints that limited our ability to pass environmental and energy bills are in play in all legislation: six to eight moderate or conservative Democrats who throttle efforts to expand our tax and revenue base, thereby limiting the size of the budget and constricting our ability to invest.

**If we are ever to address climate change as the crisis that it is, if we are to invest sufficiently in infrastructure and diversify our industrial base, expand our safety net, and maintain our commitment to education, we must change the composition of the Senate.**

Even a cursory scan of the bills that died without a vote in Senate Committees in 2019 will illustrate just how much was left on the table. And what was left on the table were bills that could substantially address climate change and foster economic and social justice.

Clearly, there is work to be done, and in the next section we lay out some steps toward creating a more responsive legislature and a more engaged and effective advocacy network.

## V. Where Do We Go From Here?

Retake Our Democracy's approach to advocacy is to engage, educate, organize, and activate New Mexicans who care about our people, our environment, and the future of our state. We try to make it easier and less time consuming for busy people to advocate effectively. But to advocate effectively, it is important to understand where the levers of power are and how we can influence them. We see this Report Card as an educational tool that makes a complex legislative process a bit clearer. We also hope that this report motivates readers to act.



None of us should accept that valuable legislation must wait in line for three or four sessions to become law. We should not accept that a small number of conservative Democrats entirely limit the scope of what is possible in our legislature. We should not accept that New Mexico Oil & Gas Association, the utility industry, big pharma, and other industry donors and lobbyists can exercise far more influence than two million New Mexicans.

To counter these influences and to advance climate, economic, social, and racial justice in New Mexico we need to clarify our highest priority goals and expand and organize a base of power throughout the state that is aligned behind those goals. Retake Our Democracy can't set those goals alone, and so over the next months we will be working with our allies, a few legislators, and our supporters statewide to clarify those goals. As we do that, we will continue the organizing effort. We hope that readers will be inspired to dig in and get active now, not wait until the next session or the June 2020 primary. On the next page, we outline a few strategies that are already reasonably clear. We invite you to participate by joining our statewide response network at [retakeresponsenetwork.org](http://retakeresponsenetwork.org).

### ➡ **Decriminalize abortion by pressuring and primarying conservative Democrats.**

*Roe v Wade* is becoming more and more vulnerable, and while we understand that opposition to abortion often emerges from legitimate and deep personal religious faith, the U.S. Constitution mandates separation of church and state, and abortion bans impose faith-driven legislation on others who may not share those beliefs.

Between now and the 2020 session, we will organize statewide, but especially in the districts where eight Senators voted to kill HB 51. The message is clear: voting NO on decriminalizing abortion is unacceptable. If those Senators don't budge, we know the composition of the Senate must change if we are to protect a woman's right to choose. Statewide progressive advocacy groups have begun to discuss a primary election strategy to target those eight Democrats, and strong challengers are emerging. If we defeat at least three of them, we can pass a bill decriminalizing abortion, and we will



increase the likelihood of electing a more progressive Senate Pro-Tem, clear a path for a range of bills that are desperately needed, and send a resounding message to all legislators.

### ➡ **Support Democrats challenging Republicans in the House and Senate.**

The Democratic Party conducts research on districts held by Republicans, and advocates can work with them to identify vulnerable Republicans and good candidates to run against them. The political calculus can be changed by voting Republicans out, but only if Democrats taking the seats uphold Democratic values and not side with Republicans as have some Democrats identified in this report.

### ➡ **Advocate to diversify our tax & revenue structure to reduce dependence on gas & oil.**

Tax loopholes need to be closed; corporate taxes need to be raised; gas and oil fines and royalties need to be increased; sustainable industries need to be nurtured; recreational marijuana needs to be legalized; and a state-owned public bank needs to be studied. Our research team is studying how this has been done in other states. Join us if you'd like to be part of this effort.

### ➡ **Work with Democratic leaders to make the process more transparent and democratic.**

- **Change how the Senate Pro-Tem and committee chairs are selected:** Three or four conservative Senators should not be able to curtail efforts to rein in NMOGA, or to diversify, expand, and make our tax and revenue system more progressive. And they shouldn't be able to prevent women from making their own health decisions.
- **Define "Action Postponed Indefinitely" to be more transparent:** Bills are tagged "API" to describe their status at the end of the session, but this tells us nothing about why. The nmlegis.gov website should indicate if the bill passed via insertion in another bill, if an identical version passed and no further action on the companion bill was needed, if it was pulled by request of the sponsor, if it was tabled by the committee, or if the bill simply was never called for a hearing.
- **Webcast end-of-session Conference Committees and closed-door negotiations:** During the final days of the session, critical decisions are made about what gets funded and to what degree. These discussions happen behind closed doors with no public discussion about the give and take that occurs to make a final budget deal or to insert prioritized legislation into supplemental spending bills. This process should be made public.

### ➡ **Help build our statewide advocacy network.**

We can grow our numbers by engaging, educating, organizing, and activating New Mexicans who want to see New Mexico thrive, and to create a just, equitable, and sustainable state where our priorities are focused on people and planet, not profit. Join us in building people power statewide.

### ➡ **Advocate for a paid legislature.**

Paying legislators \$60,000 a year would cost \$6.7 million, **less than a tenth of a percent of the state budget**. We are the ONLY state in the nation with an unsalaried legislature. Paying legislators would allow working people to run for office, leading to a legislature that looks like the people who elect them: younger, more diverse, less affluent. This change will require a constitutional amendment approved by voters. A good start toward salaried legislators would have been passing HJR 5 Public Officer Salary Commission, a bill to create a commission responsible for establishing salary levels for a range of public officers, including legislators. But after passing the House, it died in the Senate Finance Committee. Had it passed, it would have been put to a public vote in the November 2020 election.

## Challenge assumptions

Many legislators assert that their constituents approve of restricting or banning access to abortion, and oppose restricting access to guns, increasing taxes on corporations and the rich, protecting immigrants, and regulating gas and oil. It is time to challenge those assumptions with research and education campaigns statewide. Join us if you'd like to conduct research or develop materials.

### Here are actions each of us can take over the next few months:

**Participate in the Interim Hearings:** These hearings are held throughout the state from June to November and give constituents an opportunity to engage legislators in a less formal, less intimidating setting. (See **Appendix IV.**) It is a venue where constituents can surface legislative initiatives to identify potential support or opposition. The Interim Hearing schedule is posted at [nmlegis.gov](http://nmlegis.gov) under "What's Happening." Get regular updates, information about the issues, how to participate, and more by joining our statewide network at [retakeresponsenetwork.org](http://retakeresponsenetwork.org).

**Call your legislators:** If your legislator voted for bills supported by Retake 100% of the time, call to thank them. If your legislator is one of the impellers of justice identified in this report, call and let them know you are unhappy but want to hear their reasoning. If their reasoning doesn't satisfy you, tell them that, and tell them that you vote, you canvass, call, and contribute on behalf of candidates who advance your priorities.

**Help us organize:** There are local organizations and groups throughout the state engaged in legislative and election advocacy. Join them, get to know like-minded members of your community. Sign up for our Statewide Network at [retakeresponsenetwork.org](http://retakeresponsenetwork.org) to be kept informed about the Interim Hearings, promising legislation that could be introduced in 2020, and emerging candidates for the 2020 primary. And consider subscribing to our blog for in-depth analysis on issues of local, state, and national interest at [retakeourdemocracy.org](http://retakeourdemocracy.org).



**Invite Retake leadership to your community:** Retake leadership has recently visited Farmington, Las Cruces, Truth or Consequences, Silver City, and Taos. Trips to Embudo and Gallup are scheduled, and trips to southeastern New Mexico are in the works. We will continue this outreach to become better informed about the unique character of the communities that comprise this state. We want to hear about your local economic, political, and environmental challenges and the grassroots efforts underway in your community. And we want to find out how Retake may support that work.

**Share and discuss this Report Card with others:** The best way to expand our base is to engage and educate others. If people don't understand how their aspirations are being thwarted, they will not be motivated to get involved. If you are part of a group, encourage members to read the Report Card and have a group discussion about their reactions. And then invite our leadership to meet with you.

There is insufficient urgency in the air. Our planet is dying, too many New Mexicans are suffering from poverty and untreated health conditions, and many more are lacking opportunity, access to early childhood programs or affordable housing, or even the hope of enjoying a basic sense of peace and security. We need to let our legislators know that we are engaged in the legislative process, that we come with expectations, and that we are not going away.

## End Notes

- <sup>1</sup> Democratic Party of New Mexico State Platform, March 2018. Retrieved June 2019 from [https://nmdemocrats.org/wp-content/uploads/2019/04/democratic\\_party\\_of\\_new\\_mexico\\_platform\\_-\\_online\\_version.pdf](https://nmdemocrats.org/wp-content/uploads/2019/04/democratic_party_of_new_mexico_platform_-_online_version.pdf).
- <sup>2</sup> "Attitudes Toward Reproductive Health Policy Among Rural New Mexicans," 2018, Strong Families New Mexico. Retrieved June 2019 from <https://forwardtogether.org/tools/attitudes-toward-reproductive-health-policy-among-rural-new-mexicans/>. Find the full survey at [http://www.latinodecisions.com/files/3415/4842/7801/Attitudes\\_Toward\\_Reproductive\\_Health\\_Policy\\_Among\\_Rural\\_New\\_Mexicans\\_Toplines.pdf](http://www.latinodecisions.com/files/3415/4842/7801/Attitudes_Toward_Reproductive_Health_Policy_Among_Rural_New_Mexicans_Toplines.pdf).
- <sup>3</sup> "Marijuana Policy Survey," January 2016, Drug Policy Alliance. Retrieved June 2019 from <http://www.drugpolicy.org/sites/default/files/documents/Marijuana-Policy-Survey.pdf>.
- <sup>4</sup> "New Mexico Oil and Gas Association's Ryan Flynn addressing his 2017 annual membership meeting," 2018, *New Mexico In Depth*. Retrieved June 2019 from <http://nminddepth.com/new-mexico-oil-and-gas-associations-ryan-flynn-addressing-his-2017-annual-membership-meeting/>.
- <sup>5</sup> "Utilities have a problem: the public wants 100% renewable energy, and quick," by David Roberts, October 2018, *Vox*. Retrieved June 2019 from <https://www.vox.com/energy-and-environment/2018/9/14/17853884/utilities-renewable-energy-100-percent-public-opinion>.
- <sup>6</sup> "New Mexico's Energy Future," October 2018, Center for Strategic & International Studies. Retrieved June 2019 from <https://www.csis.org/analysis/new-mexicos-energy-future>.
- <sup>7</sup> "Pollster: NM a 'welcoming community' for immigrants," Dan McKay, *Albuquerque Journal*, February 18, 2019. Retrieved June 2019 from <https://www.abqjournal.com/1282285/pollster-nm-a-welcoming-community-for-immigrants.html>.
- <sup>8</sup> Info taken in part from eVoices, April 11, 2019, "Legislative Session Wrap-Up," New Mexico Voices for Children.
- <sup>9</sup> Renewable Portfolio Standard is a projected schedule for how quickly New Mexico utilities will transition to renewable energy. For final version of SB 489, go to <https://www.nmlegis.gov/Sessions/19%20Regular/final/SB0489.pdf>.
- <sup>10</sup> U.S. Energy Information Administration, *New Mexico State Profile and Energy Estimates*, last updated Jan. 17, 2019. Retrieved June 2019 from <https://www.eia.gov/state/analysis.php?sid=NM>.
- <sup>11</sup> "Produced Water: An Expensive Problem for a Thirsty Fracking Industry," by Leslie Hayward, April 3, 2015, *The Fuse*. Retrieved June 2019 from <http://energyfuse.org/oil-and-water/>.
- <sup>12</sup> "Planning to irrigate arid lands with produced water," by Kevin Robinson-Avila, May 20, 2019, *Albuquerque Journal*. Retrieved June 1, 2019 from <https://www.abqjournal.com/1317773/finding-a-new-use-for-produced-water.html>.
- <sup>13</sup> "New Mexico Tax Research Institute State and Local Revenue Impacts of the Oil and Gas Industry," Feb. 12, 2019, New Mexico Oil and Gas Association. Retrieved June 28, 2019 from [https://www.nmoga.org/new\\_mexico\\_tax\\_research\\_institute\\_state\\_and\\_local\\_revenue\\_impacts\\_of\\_the\\_oil\\_and\\_gas\\_industry](https://www.nmoga.org/new_mexico_tax_research_institute_state_and_local_revenue_impacts_of_the_oil_and_gas_industry).
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- <sup>15</sup> "Committee Handbook for the New Mexico Legislature," 2012 Revision, prepared by the New Mexico Legislative Council Service. Retrieved July 2019 from [https://nmlegis.gov/Publications/Legislative\\_Procedure/committee\\_handbook.pdf](https://nmlegis.gov/Publications/Legislative_Procedure/committee_handbook.pdf).
- <sup>16</sup> 2016 and 2018 campaign donation data found at VoteSmart, <https://votesmart.org>.
- <sup>17</sup> Senate Majority Floor Leader Peter Wirth, Speaker Brian Egolf, and other Roundhouse leaders distribute campaign funds to fellow legislators. See "Wirth & Egolf Spread the Cash Around Before Leadership Elections," by Sandra Fish, Jan. 17, 2017, *New Mexico In Depth*. Retrieved July 2019 from <http://nminddepth.com/2017/01/17/wirth-egolf-spread-the-cash-around-before-leadership-elections/>.
- <sup>18</sup> "The gatekeeper," by Lauren Villagran, *Searchlight New Mexico*. Retrieved May 2019 from <https://projects.searchlightnm.com/raising-new-mexico-the-road-so-far/the-gatekeeper/>.
- <sup>19</sup> Data gathered from <https://nmlegis.gov>.

## Appendix I: Acknowledgements

**The Legislators.** Our 112 legislators work tirelessly over a grueling 30 or 60-day session. In the last few weeks they often work from 7am to midnight or later with few breaks. Somewhere in that time they must read bills, understand them, consider constituent input, and engage other legislators, with only the most modest Legislative Council staff to support their work. We do not always agree with their votes, but their effort and commitment must be commended.

**Legislative Council Staff.** Before, during, and after every legislative hearing, Council staff draft bills, prepare bill summaries, assemble hearing binders comprised of information on each bill to be considered that hearing, and provide ongoing support to the legislature.

**Non-Profit Advocacy Allies.** Above and beyond their excellent day-to-day work, our 30-plus non-profit advocacy allies provided critical input on the legislative process and on the various amendments or substitute bills that were introduced, pulled, reintroduced, amended again, and then passed into law. Their historic understanding of the issues, the process, and the players was invaluable. See **Appendix II** for a list of those allies.

**Other Grassroots Organizations that** disseminated our Action Alerts to their members, which greatly expanded the scope of our work, include Indivisible groups from Nob Hill, Truth or Consequences, Farmington, Ruidoso, Espanola, Las Cruces, and elsewhere; Westside Dems Political Action Group (ABQ); Progressive Voters Alliance in Doña Ana and Grant Counties; Democratic Socialists of America, Santa Fe; Taos United; Progressive Democrats of America, ABQ; Adelante Progressive Caucus of the Democratic Party of New Mexico; and New Mexico Resistance.

**Our Volunteers.** Our legislative work began over two years ago when our Roundhouse Advocacy Team began meeting on alternate weeks to identify bills to support, share information gleaned from allies, develop a communication system, and begin conducting research. As the 2019 session approached, the volunteer base expanded significantly with:

- More than 20 researchers screening, sorting, summarizing, and tracking bills;
- Roundhouse Liaisons communicating with our allies to receive updates on bills and amendments;
- Roundhouse Coordinators greeting volunteer advocates outside hearing rooms and providing coaching, speaking points, and buttons;
- Scores of volunteers waiting hours for hearings to begin and making their presence known;
- Hundreds of volunteers across the state responding to daily alerts by calling and emailing their legislators; and
- Our Leadership Team meeting throughout the session to keep all the parts aligned and moving.



Names of volunteers active during the 2019 legislative session are on the following two pages.

**Last, but not least, we had a Democratic governor** who signed instead of vetoed our bills. She also provided leadership in ensuring that most of her priorities were addressed, hauling in legislators for conferences to iron out differences and achieve consensus.



## Retake Volunteers

**NationBuilder IT Team:** We used NationBuilder to create our Rapid Response Network website, organize our volunteers, and send alerts statewide. This team set up the platform and made adjustments throughout the session:

- Saraswati Khalsa
- Meg Meltz
- Michael Sperberg-McQueen

**Research Team:** The Research Team developed criteria to screen and organize bills, screening most every bill introduced and assigning them to issue-defined teams. They then reviewed bills and wrote summaries that were transformed into speaking points and given to advocates and legislators prior to bill hearings. Throughout the session, the team also reviewed and advised on amendments and new bills as they were introduced.

**Research Coordinator: David Thompson** coordinated the work of the Research Team and served on the Leadership Team, facilitating communication between researchers and leadership. He also worked as a bill researcher himself.

**Research IT: Greg Sonnenfeld** developed a platform that greatly facilitated and simplified the work of the Research Team. He also provided technical training to the researchers and worked as a researcher himself.

### Researchers:

- |                      |                    |                            |
|----------------------|--------------------|----------------------------|
| • Roxanne Barber     | • Richard Jennings | • Patty Romero             |
| • John Bingham       | • Tom Johnson      | • Steven Rudnick           |
| • Joyce Bogosian     | • Deborah Knapp    | • Emile Sawyer             |
| • Daniel Borrero     | • Consuelo Luz     | • Diane Shifrin            |
| • Meg Brauckmann     | • Lucinda Lynch    | • Greg Sonnenfeld          |
| • Ham Brown          | • Gloria Martinez  | • Michael Sperberg-McQueen |
| • Katie Bruell       | • Susan McGrew     | • Maria Spray              |
| • Linda Burchfiel    | • Steve McIlree    | • Billy Stern              |
| • Richard Currie     | • Erin Middleton   | • James Stewart            |
| • Herb Faling        | • John Otter       | • Stephen Thies            |
| • Nicole Finch       | • Jim Plewa        | • Sharon Thomas            |
| • Paul Gibson        | • Dan Potter       | • David Thompson           |
| • Nancy Gilkyson     | • Robyn Richards   |                            |
| • Virginia Hernandez | • Laura Riedel     |                            |

**Ally Liaison Team:** Throughout the session this team communicated with 30 advocacy allies (see Appendix II) to receive guidance and information about bill status, advocacy strategy, priorities, and input on amendments.

**Ally Liaison Coordinator: Lynne Fischer** coordinated the Ally Liaison Team and served on the Leadership Team, facilitating communication between the two. She also worked as an ally liaison herself.

### Ally Liaisons

- |                   |                  |                  |
|-------------------|------------------|------------------|
| • Marissa Bingham | • Lynne Fischer  | • Susan McGrew   |
| • Barbara Conroy  | • Paul Gibson    | • Meg Meltz      |
| • Nancy Cushing   | • Lucy Lynch     | • Allan Sindelar |
| • Jean Darling    | • Bob MacPherson | • David Thompson |

### Roundhouse Coordinator Team

**Roundhouse Coordinator Manager: Susan McGrew** managed our Roundhouse Coordinators on a daily basis, nearly every day of the session. She helped with pre-session planning and during the session tracked hearing schedules, alerted and guided coordinators, and was a coordinator herself. Susan was the star of our hearing advocacy efforts.

**Roundhouse Coordinators** arrived early to hearings to pass out talking points and buttons and to organize advocates to speak in support of our must-pass bills and take detailed notes about hearing proceedings. Some showed up several days a week! Some spent entire days there. There are several troopers on this list. We couldn't have done it without them:

- |                   |                 |                   |
|-------------------|-----------------|-------------------|
| • Roxanne Barber  | • Greg Corning  | • Alston Lundgren |
| • Robert Baroody  | • Lynne Fischer | • Lucinda Lynch   |
| • Linda Burchfiel | • Loretta King  | • Mary MacKenzie  |

- Susan McGrew
- Karen Nelson
- Patricia Pearce
- Jim Plewa
- Kathleen Savage
- Joan Sickler
- Michael Sperberg-McQueen
- David Thompson
- Diana Trujillo

**Outreach Team:** The Outreach Team made calls statewide to engage and activate potential advocates.

- Patrick Gendron
- Paul Gibson
- John House
- Rick Lass
- Marjorie Luckey
- Peter McCarthy
- Lauren Meikeljohn
- Coreen Plewa
- Ursula Shepherd
- Jeff Silesky
- Diana Thatcher
- Elizabeth West
- Chrysla Wikstrom
- Cristy Holden
- Carolyn Beaty
- Sharon Shoemaker

**Roundhouse Advocates:** There are many more who showed up for hearings again and again, but below are some we know showed up frequently to represent Retake Our Democracy. **NOTE:** Most of the volunteers named above also were there to advocate, but to save space here we name only those volunteers who aren't already acknowledged above:

- Joni Arends
- Bruce Berlin
- Elizabeth Dunham
- Lee Goodwin
- Jade Gordon
- Gabe Hanson
- Cristy Holden
- Heather Karlson
- Judy Klinger
- Jay Levine
- Craig O'Hare
- Sharla Parsons
- Sharon Potter
- Dan Pritchard
- Elizabeth Romero
- Sandra Schroeder
- Sharon Shoemaker
- Elaine Sullivan
- Rainy Upton
- Joyce Victor

**Rapid Response Network Advocates:** Not everyone can come to the Roundhouse, but so many of you still care deeply about justice and progressive values. Because of the groundwork of all the volunteers above, and because of your passion and commitment, thousands of you advocated from home. You made your voices heard!

**Pre-Session Advice and Other Contributions:** Many thanks to the efforts and advice of Andy Fertal (video), Tom Leatherwood, and Clifford Rees (training and consultation on Roundhouse operations).

**Retake Leadership Team:** Enormous gratitude goes to our core leadership team of Lynne Fischer, Saraswati Khalsa, and David Thompson who (along with Co-Founders Paul Gibson and Roxanne Barber) put in hundreds of hours preparing for this session – planning, organizing, developing strategy and materials, and far too many other diverse areas of work to list here.

**Roundhouse Advocacy Team:** The Roundhouse Advocacy Team (RAT Pack) formed in March 2017 after a rag-tag crew of volunteer advocates, mostly new to the process, worked largely under the coordination of David Thompson during the 2017 Session. We realized we had a lot to learn. And so, from March 2017 through December 2018, the RAT Pack met twice monthly, calling allies like ACLU and New Mexicans for Health Security to learn about the inner workings of the Roundhouse. From these conversations we learned how committees work and how good bills die, and we advocated during the 2018 session. Working with environmental allies that year, our biggest achievement was to kill the PNM bailout securitization bill.

In March 2018, we developed a list of priority bills that we had previously supported but that had died in committee, had never been heard, or were vetoed by the Governor. We developed an online survey that we distributed statewide, obtaining responses from 1,300 folks. With respondents' contact info and their House and Senate districts, we began to form the Statewide Rapid Response Network. The work of the RAT Pack over a two-year period resulted in strong relationships with allies and a growing understanding of what was needed to pass good bills. All of us are truly standing on their shoulders, just as they are standing on the shoulders of the allies who taught us the ropes. Thank you, RAT Pack:

- Linda Birchfiel
- Greg Corning
- Ellen Derman
- Lynne Fischer
- Paul Gibson
- Lee Goodwin
- Gabe Hanson
- Kathryn Hurn
- Saraswati Khalsa
- Meg Meltz
- Michael Sperberg-McQueen

**Thank you all!**

## Appendix II: Ally Organizations

The list of Retake Our Democracy's allies was removed in a July 31, 2019 revision of this report after a handful of those allies contacted us to say that being listed in this report might jeopardize their 501c3 status.

To be clear, none of our allies participated in the writing of this report, nor do they necessarily support all the views stated in this report. We consulted with allies to learn about their work during Roundhouse sessions and to get their input on legislation of shared interest. We also relied on allies, as experts in their respective advocacy areas, to help us develop speaking points to advocate for the issues they support and to gather information about the status of legislation as it moved through the session.

## Appendix III: The Fate of the Bills We Supported

Our 46 bills are organized here by categories that capture their fate— whether they passed into law or died, and how they died. Because several bills had identical House and Senate versions, there are more than 46, and some may appear more than once, depending on their individual outcomes.

### Passed Into Law

**HB 6 Tax Changes** eliminates several tax giveaways and reduces the 50% deduction for capital gains to 40%; it adds a new top personal income tax bracket of 5.9% if recurring FY20 revenues hit a target; it enacts mandatory combined reporting for corporations, among other changes. The House called for \$320M in increased revenues by closing tax loopholes, but Senate Corporations retained only \$70 million of those changes. The final bill gutted much of the House tax reforms.

- Passed House 40:25 on 3/1.
- Passed Senate 32:8 on 3/15.
- Agreement on amendments reached in Conference Committee 3/16.
- Signed by Governor on 4/4.

**HB 55 Agreement to Elect President by Popular Vote.** When states with a collective number of 270 electoral votes pass this bill, enough to elect a President, those states will cast all of their electoral votes for the candidate with the most popular votes nationally, effectively eliminating the Electoral College.

- Passed House 41:27 on 2/1.
- Passed Senate 25:16 on 3/21.
- Signed by Governor on 4/3.

**HB 85 Union Security Agreements** asserts the state's exclusive jurisdiction under the National Labor Relations Act to prohibit agreements requiring membership in a labor organization as a condition of employment in New Mexico. Effectively prohibits counties from adopting Right-to-Work ordinances.

- Passed House 43:23 on 2/22.
- Passed Senate 23:19 on 3/10.
- Signed by Governor on 3/27.

**HB 87 Domestic Violence and Firearm Possession / SB 328 Orders of Protection and Firearm Ownership** prohibits firearms to those involved in a domestic violence dispute.

- HB 87** • Passed House 37:28 on 2/8.
- Passed Senate Public Affairs on 3/2.
- Died in Senate Judiciary.
- SB 328** • Passed Senate 27:15 on 3/6.
- Passed House 38:31 on 3/15.
- Signed by Governor 4/4.

**HB 89 Health Coverage for Contraception** requires individual and group health insurance policies to provide at least one form of each type of contraception as part of its benefits, without discrimination as to cost, amount, or provider limitations. Includes all necessary medical examinations, consultations, education, and assistance in use.

- Passed House 40:24 on 2/18.
- Passed Senate 25:8 on 3/14.
- Signed by Governor on 4/4.

**HB 100 Replace Columbus Day as Indigenous Peoples'** replaces Columbus Day with Indigenous Peoples' Day.

- Passed House 50:12 on 2/7.
- Passed Senate 22:15 on 3/15.
- Signed by Governor on 4/2.

**HB 150 Installment and Small Loan Changes**, AKA predatory lending limit, cleans up consumer protections and closes potential loopholes in the NM Installment Loan Act of 1959 and the NM Small Loan Act of 1955. Requires all loan agreements to specify the full cost of the loan, including interest and fees.

- Passed House 53:15 on 3/5.
- Passed Senate 33:0 on 3/14.
- Signed by Governor on 4/4.

**HB 278 Missing and Murdered Indigenous Women** creates a task force to study the jurisdictional gaps, reporting gaps, lack of coordination among law enforcement, uneven media coverage, among other issues that contribute to the issue of murdered and missing Indigenous women in New Mexico.

- Passed House 62:0 on 3/8.
- Passed Senate 40:0 on 3/14.
- Signed by Governor on 3/28.

**SB 3 Campaign Finance Reporting** requires the source of last minute "hit" ads to be disclosed. It simplifies and brings into compliance other finance reporting rules.

- Passed Senate 36:6 on 2/13.
- Passed House 48:17 on 3/9.
- Signed by Governor on 4/4.

**SB 4 Campaign Public Financing Changes** limits distribution of funds in uncontested races. It clarifies how contributions and matching funds can be used and how they are accounted for.

- Passed Senate 34:1 on 2/19.
- Passed House 59:0 on 3/9.
- Signed by Governor on 4/3.

**SB 8 Firearm Sale Background Check** requires a background check equivalent to the existing federal background check for any sale or passing of ownership or control of a firearm for a fee, whether the seller is licensed or not.

- Passed Senate 22:20 on 2/14.
- Passed House 42:27 on 3/4.
- Signed by Governor on 3/8.



**SB 20 Sex Designation on Vital Records** allows transgender, gender expansive, gender non-conforming, non-binary New Mexicans to confirm gender on their NM birth certificate without surgery. It protects against sexual discrimination by amending the Vital Statistics Act to allow the State Registrar to amend, correct, or change a birth certificate with a new name, sex designation, or gender identity, or to show paternity.

- Passed Senate 26:13 on 2/5.
- Passed House 33:14 on 3/10.
- Signed by Governor on 3/28.

**SB 76 Prohibit Coyote Killing Contests** prohibits coyote killing contests on both public and private land.

- Passed Senate 22:17 on 2/27.
- Passed House 37:30 on 3/13.
- Signed by Governor on 4/2.

**SB 136 / HB 291 Efficient Use of Energy Act Amendments.** Regulatory and financial disincentives block public utilities from investing in load management and energy efficient measures to reduce consumption. SB 136 / HB 291 removes disincentives and adopts a rate adjustment mechanism to ensure utilities won't lose revenue if consumption falls.

- SB 136 passed full Senate 25:14 on 2/22; passed House Energy, Environment & Natural Resources, then House State Government Elections and Indian Affairs; sent to House Floor where it was not heard because the House version (HB 296) passed both chambers and was signed into law (see below).
- HB 291 passed House Energy & Natural Resources 2/4, House State Government, Elections & Indian Affairs 3/3; passed full House 85-7 on 3/5; passed Senate Conservation 3-7; passed full Senate 27-13 on 3/13. Signed by Governor on 4/3.

**SB 227 Additional Unlawful Discrimination Practices** amends a section of New Mexico's Human Rights Act to include sexual orientation and gender identity to the classes protected from unlawful discrimination by all employers in the state and removes an exemption for small businesses.

- Passed Senate 36:0 on 2/27.
- Passed House 59:0 on 3/13.
- Signed by Governor on 3/28.

## Passed in a Substitute Bill

**HB 18 Child Income Tax Credit** provided a fully refundable New Mexico child tax credit of \$25 to \$175 per child, depending on income. It would have taken effect in the 2019 tax year and continued as long as the federal exemption amount is zero (federal Tax Cuts and Jobs Act of 2017 eliminated exemptions).

- Passed House Health & Human Services on 2/4; died in House Taxation & Revenue. An alternative to the Child Income Tax Credit bill, a dependent deduction instead of a child tax credit, was incorporated into **HB 6 Tax Changes**.

**HB 31 Phased-In Minimum Wage** would have raised the minimum wage to \$10 immediately and to \$12 in 2022 with a COLA. It died in Sen. Corporations but a weakened minimum wage bill introduced by Sen. Sanchez passed into law.

- HB 31 passed the full House 44:26 on 2/13; passed Senate Public Affairs on 2/25; then died in Senate Corporations & Transportation without a hearing.
- When HB 31 died after Senate Corporations Chair Clemente Sanchez refused to schedule it for a hearing, Sanchez's own bill, SB 437, advanced to the Governor's desk. SB 437 slows the wage increase pace and virtually eliminates increases for tipped employees. So HB 31 died in Corporations but was transformed into a weaker min. wage increase in SB 437.

**SB 50 State Agency Automatic Voter Registration and HB 84 Automatic Voter Registration at MVD & Elsewhere** were identical bills that would allow every person who is a qualified elector and is applying for, renewing, or updating a driver's license or ID card to be automatically registered to vote or to have an existing voter registration automatically updated, unless the person declines.

- **SB 672 Early & Auto Voter Registration was introduced after SB 50, SB 52, and HB 84 died in committee.** The bills were resurrected in SB 672 with the resourcefulness of Common Cause, moving through Senate and House in 3 days.
  - Passed Senate 24:16 on 3/12.
  - Passed House 45:22 on 3/14.
  - Signed by Governor on 3/27.

**SB 52 Register to Vote Three Days Prior to Election** was a similar bill to amend the New Mexico Election code to allow registration of qualified voters at early voting sites three days prior to a primary or general election. See SB 50 above for details about how voting rights legislation passed via SB 672.

**SB 183 / HB 23 Working Families Tax Credit** were identical bills that doubled the size of the existing Working Families Tax credit from 10% to 20%. The bill was endorsed strongly by NM Voices for Children.

- SB 183 passed Senate Corporations & Transportation on 2/26, then died in Senate Finance.
- HB 23 passed House Labor, Veterans & Military Affairs on 2/15, then died in House Tax & Revenue.
- The bills were incorporated into **HB 6 Tax Changes** with an increase of 17% instead of the proposed 20%.

**SB 279 / HB 295 Health Security Act** required a fiscal study of the Health Security Plan, which would insure that all New Mexicans have comprehensive, affordable health care coverage.

- SB 279 passed Senate Public Affairs on 2/8 but died in Senate Judiciary.
- HB 295 passed House Health & Human Services 2/8, House State Government, Elections & Indian Affairs 2/25; amended on House floor 2/28, removing the appropriation; tabled and killed in House Appropriations & Finance on 3/3.
- HM 92 was introduced as a substitute on 3/13, unanimously passed House Appropriations & Finance, and passed the House Floor 46-18 on 3/15. Memorials don't need to pass both floors or be signed by the Governor. The Health Security for New Mexicans Campaign cleverly used a Memorial to bypass the Senate, and since Memorials can't include funding they worked with legislators to insert \$389K to fully fund the study called for in the original bill.

### Died on House Floor

**HM 41 / SM5 Study State-Owned Bank** would have authorized a study of the feasibility of a state-owned public bank.

- HM 41 passed House State Government, Elections & Indian Affairs and was sent to the House Floor where it died.
- SM 5 was tabled in Senate Rules, with Sen. Papen and Sen. Sanchez voting with three GOP Senators to kill the bill.

**HB 57 Restore Felon Voter Rights** would have eliminated the disqualification from voting in NM for persons convicted of a felony; they would never lose their right to vote, including while incarcerated.

- Passed House State Government, Elections & Indian Affairs on 1/25, passed House Judiciary 3/5 with an amendment that prohibited voting while incarcerated; then it was postponed and died on the House Floor.

### Died With a No Pass Floor Vote

**HB 51 Decriminalize Abortion** would have rescinded a 1969 statute making abortion illegal in NM in most instances.

- Passed full House 40:29 on 2/6; passed Senate Public Affairs on 3/1; passed Senate Judiciary 3/12; defeated on the Senate Floor 18:24. Democrats Campos, Cisneros, Martinez, Munoz, Papen, Ramos, Sanchez, Smith voted NO on HB 51.

### Died with a Vote to Table in Committee

**HB 295 Health Security Act** required a fiscal study of the Health Security Plan, which would insure that all New Mexicans have comprehensive, affordable health care coverage.

- HB 295 passed House Health & Human Services 2/8, House State Government, Elections & Indian Affairs 2/25; amended on House floor 2/28, removing the appropriation; tabled and killed in House Appropriations & Finance on 3/3. Funding for the study was eventually secured through HM 92. (See previous page.)

**HB 398 / SB 500 Oil, Gas & Vented Gas Royalties** would have raised royalty rates for oil and gas companies profiting from New Mexico's land resources to 25% on leases in the top 6% of production, only if a well hit 20,000 barrels per month.

- HB 398 died in House Commerce & Economic Development where it was tabled by a 7-3 vote with Democratic Reps. Jim Trujillo, Patricio Ruiloba, and Moe Maestas joining four Republicans to kill the bill.
- SB 500 died in Senate Conservation without a hearing.

**SM 5 Study State-Owned Bank** would have authorized a study of the feasibility of creating a state-owned public bank.

- Tabled in Senate Rules with Senators Sanchez and Papen joining Republicans to kill it.

### Died in House Education

**HB 77 School District Administrative Expenses** would have limited the annual growth of school district central administration spending to the Consumer Price Index (CPI) or the overall growth in the state education budget, whichever is lower. Classroom spending would not have been limited.

- Sent to House Education on opening day of the Session, where it was never scheduled for a hearing.

### Died in House Energy, Environment & Natural Resources

**SB 186 Oil Conservation Division Powers & Duties** would have increased penalties for gas and oil spills to be comparable with neighboring states. Penalties have not been increased in decades and spills have increased significantly.

- SB 186 passed by Senate Conservation on 2/21, Senate Judiciary on 3/2; died in Senate Finance.
- Rep. McQueen introduced HB 680 to replace it, but negotiations with New Mexico Oil & Gas Association (NMOGA) stalled, so it died in House Energy, Environment & Natural Resources.

- Ultimately, HB 546 was introduced late in the session, offering a sweetener for NMOGA to accept the increased penalties: an amendment to allow the development and regulation of “produced water.” (See p. 7-8 for details.)

## Died in House Health & Human Services

**HB 160 Requirements for Childcare Assistance** would have eliminated the “cliff effect,” when a raise in pay makes a family ineligible for a childcare public benefit even though the increased income is less than the value of the benefits lost.

- Sent to House Health & Human Services 1/17. It was never scheduled for a hearing.

## Died in House Judiciary

**HB 40 Background Checks at Gun Shows** would have required gun sales at gun shows to be done through a licensed firearms dealer, who is responsible for completing a background check on the person receiving the firearm.

- Passed House Consumer & Public Affairs 1/28; sent to House Judiciary where it was never scheduled for a hearing.

## Died in House State Government, Elections & Indian Affairs

**HB 195 / SB 196 No Resources for Federal Immigration Law** was endorsed by Somos Un Pueblo Unido. They felt it would have had more impact than the No Funds for Border Walls bill from 2018, as that bill was largely symbolic and could be bypassed by the Feds. This bill would have greatly benefitted our immigrant neighbors.

- HB 195 died in House State Government, Elections & Indian Affairs without a hearing.
- SB 196 passed Senate Public Affairs on 1/28; died in Senate Judiciary without a hearing.

**HB 206 Environmental Review Act** provided rule-making authority to the Environmental Improvement Board and defined the powers and duties of state agencies to conduct environmental reviews and prepare environmental impact statements for all development and construction projects that would have significant impact on the environment.

- Passed House Energy & Natural Resources on 2/4; sent to House State Government, Elections & Indian Affairs where it was never scheduled for a hearing.

## Died in House Appropriations & Finance

**HB 416 / SB 405 Medicaid Buy-In Act** would have provided greater access to quality, affordable healthcare by implementing a program to allow New Mexicans not currently eligible for Medicaid, Medicare, or Affordable Care Act Subsidies to pay monthly premiums to “buy in” to Medicaid, by January 2021.

- HB 416 passed House Health & Human Services on 2/18; sent to House Appropriations & Finance where it died.
- SB 405 passed Senate Public Affairs on 2/15; sent to Senate Finance where it died without a hearing.

## Died in Senate Conservation

**HB 398 / SB 500 Oil, Gas & Vented Gas Royalties** would have raised royalty rates for oil and gas companies profiting from New Mexico’s land resources to 25% on leases in the top 6% of production, only if a well hit 20,000 barrels per month.

- HB 398 was sent to House Commerce & Economic Development where it was tabled by a 5-5 vote with Reps. Jim Trujillo, Patricio Ruiloba, and Moe Maestas joining two Republicans to kill the bill.
- SB 500 was sent to Senate Conservation and never scheduled for a hearing.

**SB 275 Increase Renewable Portfolio Standards** would have increased the existing RPS to 50% renewable energy from NM utilities by 2030 and 80% by 2040. We supported this bill but advocated for 80% RPS by 2030 and 100% by 2040.

- Sent to Senate Conservation on 1/21 where it was never scheduled for a hearing.

**SB 374 Local Choice Energy Act** would have allowed local jurisdictions and tribes to develop, produce, distribute, and sell renewable energy. This could have been a game changer, breaking monopolies held by private utilities like PNM.

- Sent to Senate Conservation 1/28 where it was never scheduled for a hearing.

**SB 459 Hydraulic Fracturing Permits and Reporting** would have imposed a 4-year moratorium on the issuance of new fracking permits to allow the state to conduct an assessment of the scale and impact of current fracking operations.

- Sent to Senate Conservation 2/4. It was never scheduled for a hearing.

## Died in Senate Corporations & Transportation

**HB 31 Phased-In Minimum Wage** would have raised the minimum wage to \$10 immediately and to \$12 in 2022 with a COLA. It died in Sen. Corporations but a weakened minimum wage bill introduced by Sen. Sanchez passed into law.

- HB 31 passed the House 44:26 on 2/13; passed Senate Public Affairs on 2/25; then died in Senate Corporations & Transportation without a hearing.
- When HB 31 died after Senate Corporations Chair Clemente Sanchez refused to schedule it for a hearing, Sanchez's own bill, SB 437, advanced to the Governor's desk. SB 437 slows the wage increase pace and virtually eliminates increases for tipped employees. So HB 31 died in Corporations but was transformed into a weaker min. wage increase in SB 437.

**SB 39 Solar Market Development Tax Credit.** SB 39 would have created tax credit incentive for installing rooftop solar.

- Sent to Senate Corporations on 1/16 where it never received a hearing and died.

**SB 456 Electric Utility Resource Procurement** directed investor-owned utilities (IOUs) to solicit competitive bids from other independent power companies when adding or replacing electricity-generating power. A transparent competitive resource procurement process would have been established and would be monitored by an independent evaluator.

- Passed Senate Conservation 2/19; died in Senate Corporations & Transportation with no hearing.

**SB 492 Utility Securitization Financing**, the "clean" securitization bill, would have authorized securitized financing of PNM undepreciated assets in the San Juan Generating Station but allow the PRC to conduct hearings to determine the amount to be securitized, the split between ratepayers and shareholders, and the form and developer of replacement power.

- Passed Senate Conservation on 3/5; died in Senate Corporations where it was never scheduled for a hearing.

## Died in Senate Finance

**HJR 1 Permanent Funds for Early Childhood** would have allocated an additional 1% from the Permanent Fund for early childhood education. (New Mexico's Permanent Fund is currently at nearly \$18 billion.)

- HJR 1 passed full House 41:27 on 2/15, but then died in Senate Rules.
- SB 671, the replacement bill for HJR 1, (at 1/2% instead of 1%) was passed by Senate Education 3/6, then sent to Senate Finance where it died without a hearing.

**HB 86 Same Day and Early Voting Registration** would have amended the election code to facilitate registering voters at polling places on Election Day and at early voting sites for primary and general elections.

- Passed Senate Public Affairs on 1/28; sent to Senate Finance where it died without a hearing.

**HB 356 Cannabis Taxation and Regulation** would have created legal and regulatory framework for legalizing and taxing the sale of recreational marijuana with projections of hundreds of jobs and up to \$200M in annual revenues to the State.

- Passed House Health & Human Services on 2/11; House Judiciary on 2/24; passed full House with amendments 36:34 on 3/7. Passed Senate Public Affairs on 3/9; sent to Senate Finance where it died without a hearing.

**HB 416 / SB 405 Medicaid Buy-In Act** would have provided greater access to quality, affordable healthcare by implementing a program to allow New Mexicans not currently eligible for Medicaid, Medicare, or Affordable Care Act Subsidies to pay monthly premiums to "buy in" to Medicaid, by January 2021.

- HB 416 passed House Health & Human Services on 2/18; it died in House Appropriations & Finance without a hearing.
- SB 405 passed Senate Public Affairs on 2/15; sent to Senate Finance where it died without a hearing.

**SB 186 Oil Conservation Division Powers & Duties** would have increased penalties for gas and oil spills to be comparable with neighboring states. Penalties have not increased in decades and spills have increased significantly.

- SB 186 passed Senate Conservation on 2/21, Senate Judiciary on 3/2; died in Senate Finance with no hearing.
- Rep. McQueen introduced HB 680 to replace it, but negotiations with NMOGA stalled and so the bill died in House Energy, Environment & Natural Resources without a hearing.
- Ultimately, HB 546 was introduced late in the session, offering a sweetener for NMOGA to accept the increased penalties: an amendment to allow the development and regulation of "produced water." (See p. 7-8 for details.)

## Died in Senate Judiciary

**HB 83 Extreme Risk Protection Order Act** would have allowed law enforcement to temporarily remove guns from those who are a risk to themselves or others—a so-called "red flag" law. It's a tool that helps law enforcement and family members, either of whom could file in court for the weapon to be removed.



- Passed full House 39:30 on 2/13.
- Passed Senate Public Affairs; died in Senate Judiciary where it was never scheduled for a hearing.

**HB 141 State Disclosure of Sensitive Info** would have prohibited state agencies from releasing personal information: genetic info; SSNs, Tax ID Numbers or addresses; a person's status as a recipient of public assistance or a crime victim; and a person's sexual orientation, gender identity, physical or mental disability, immigration status, national origin, or religion.

- Passed House State Government, Elections & Indian Affairs on 2/5, and House Judiciary on 2/18; passed full House 43:24 on 2/24. Passed Senate Public Affairs 3/8; sent to Senate Judiciary where it died without a hearing.

**HB 210 Community Solar Act** would have allowed individuals to buy energy from locally developed solar arrays, enabling renters and homeowners to purchase solar power without the cost of installation.

- Passed House Energy & Natural Resources on 1/24, House Judiciary on 2/11, and full House on 2/18 by 42:25. It was sent to Senate Conservation on 2/20 and passed as a substitute bill on 3/12. Then sent to Senate Judiciary where it was never heard. Senate Conservation deserves "credit" for killing the bill, passing it as a substitute bill with only 3 days left in the session. A substitute bill needs to go back through House Committees again, so with 3 days left in the session, Judiciary knew there wasn't enough time and didn't schedule it for a hearing.

**HB 386 Small Loan Interest Caps** capped the interest rate for small and installment loans from storefront lenders at 36%, to replace the current cap of 175% imposed in 2017.

- Passed without recommendation by House Labor, Veterans & Military Affairs to House Judiciary where it was never scheduled for a hearing.

**SB 196 / HB 195 No Resources for Federal Immigration Law** was endorsed by Somos Un Pueblo Unido. They felt it would have had more impact than the No Funds for Border Walls bill from 2018, as that bill was largely symbolic and could be bypassed by the Feds. This bill would have greatly benefitted our immigrant neighbors.

- HB 195 died in House State Government, Elections & Indian Affairs without a hearing.
- SB 196 passed Senate Public Affairs on 1/28; died in Senate Judiciary without a hearing.

**SB 670 Patient Safe Staffing Levels** would have required hospitals to establish staffing levels (particularly safe nurse-to-patient ratios) for hospital nursing units and to post and report daily hospital nursing unit patient census and staffing levels. It would allow a nurse to refuse an assignment if the nurse did not have the training, education, or experience to ensure patient safety.

- Passed Senate Public Affairs; died in Senate Judiciary where it was never scheduled for a hearing.

## Died in Senate Rules

**HJR 1 Permanent Funds for Early Childhood** would have allocated an additional 1% from the Permanent Fund for early childhood education. (New Mexico's Permanent Fund is currently at nearly \$18 billion.)

- HJR 1 passed full House 41:27 on 2/15, but then died in Senate Rules.
- Its replacement bill, SB 671 was introduced on March 3 and after passing Sen. Education, was killed in Senate Finance without a hearing or vote.

**SB 50 State Agency Automatic Voter Registration & HB 84 Automatic Voter Registration at MVD & Elsewhere**, identical bills that would have allowed all qualified electors applying for, renewing or updating a driver's license or ID card to be automatically registered to vote or have an existing voter reg. automatically updated, unless the person declines.

- HB 84 passed House State Government, Elections & Indian Affairs on 1/30 and House Judiciary on 2/12; passed Full House 44:22 on 2/19; died in Senate Rules where it was never scheduled for a hearing.
- Late in the session, SB 672 was introduced and incorporated the core elements of HB 84 / SB 50 and SB 52. It sailed through committees at the end of the session and was signed into law.

**SB 52 Register to Vote Three Days Prior to Election** would have amended the New Mexico Election code to allow registration of qualified voters at early voting sites three days prior to a primary or general election.

- Died in Senate Rules where it was never scheduled for a hearing or a vote.
- Late in the session, SB 672 was introduced and incorporated the core elements of SB 52 and HB 84 / SB 50. It sailed through committees at the end of the session and was signed into law.

## Appendix IV: How Bills Are Developed; Who Has Influence Over Bills

### June – November

**Interim Hearings.** Interim Committees are comprised of both Senate and House members. Committees convene organizational meetings in June to establish a work plan, including a schedule of hearings. June hearings are held in Santa Fe at the Roundhouse, then throughout the State with an agenda posted online at nmlegis.gov in advance of each meeting. Meetings are 1-3 days with a mix of panel presentations and discussions of specific issues. Concepts for bills are vetted, with bill sponsors discussing what they would like to propose. Only a legislator may be a bill sponsor, however lobbyists are often present at Interim Hearings and weigh in on bills, increasing their influence by suggesting changes to bill language that clearly respond to the interests of their industry. This is one way a lobbyists can influence what is introduced into the legislature.

Conversations among legislators and lobbyists allow a bill sponsor to test the waters and determine if there is enough support for the concept and to assess the level of opposition that might be encountered before investing in developing a bill. Once a sponsor decides to draft a bill, s/he turns to Legislative Council Service staff to do the heavy lifting of drafting, although the sponsor works closely with the staff. It is not uncommon for lobbyists to provide specific language for a bill.

Bill sponsors seek support (endorsement) from a majority of the voting members of the relevant Interim Committee, which allows the bill to be introduced in the next legislative session. But an endorsed bill must still be determined “germane” to be considered for the 30-Day sessions held on even-numbered years.

In many ways, consensus is achieved on legislative priorities during these hearings, especially relating to budget, tax, and revenue. While public comment is typically not part of the Interim Hearings, individuals may request time for public comment from the chair. The primary reason to attend is to hear what is being discussed, to understand who is leading the charge on which bills, and to see the level of support for various possible bills.

Retake Our Democracy has not been involved in Interim Hearings before, so in 2019 our involvement will be more learning than advocating. We want to better understand how advocates weigh in, where we can influence the drafting of legislation, and how can we find ways to have our own ideas for bills go from concepts to bills advanced by a legislative sponsor, and how we can ultimately seek and obtain endorsement of the right Interim Committee. In short, we need to attend so we can learn how this really works.

### Mid-December

**Pre-filing of Bills.** During 60-Day sessions in odd-numbered years, bills may be introduced on any subject. Pre-filing begins in mid-December. Pre-filed bills are in queue to be introduced on the first day of the session. But bills introduced in a short session, such as the one approaching in 2020, must meet established criteria to be determined to be “germane.” There are five ways in which a bill can be determined to be germane:

1. In the Senate, a bill is determined germane by the Committees’ Committee, chaired by the Senate Pro-Tem, currently Senator Mary Kay Papen. This committee, which appoints all other Senate committee members, includes six conservative Democrats (all of whom voted no on HB 51 Decriminalize Abortion), three Republicans, and Senators Wirth and Stewart. In short, a Republican-Conservative Democrat coalition controls which bills are deemed germane.
2. In the House, the Rules and Order of Business Committee makes the germane determination. This committee is currently chaired by Rep. Daymon Ely, with a 12-6 Democratic majority and a far more progressive mix of Democrats than the Senate Committees’ Committee.
3. A bill can be determined germane by being a budget, tax, or revenue bill.
4. A germane determination can come from a “Special Message” from the Governor, i.e. the Governor wants this done.
5. Bills vetoed in the prior session can qualify as germane.

Part of Retake's strategy in the 2019 Interim Hearings is to ensure that the bills we supported that failed in the 2019 Legislative Session are determined to be germane in 2020. We are in the process of developing a short list of priority bills for which we may seek sponsors and ask for a Special Message from the Governor, if necessary.

## During the Session

**Election of Speaker of the House, Senate Floor Leader, Senate Pro-Tem, and Party Whips.** The election of the Speaker is done publicly on the House floor by a vote of all House members. The Senate Floor Leader is also elected by a majority of Senate Democrats. However, the Senate Pro-Tem is elected by a bipartisan vote. This is a crucial process and describing it as a "vote" is misleading. Behind closed doors, Democrats try to secure sufficient votes to elect a Democrat without requiring GOP votes. But over the past 30 years, this has rarely happened. Instead, a core number of conservative Democrats refuse to support the party nominee and side with the GOP to elect a conservative Democrat. This is how Sen. Papen has become Pro-Tem. There is no public vote because once Democrats recognize that the conservative Democrat-GOP coalition has the votes, a decision is made to elect by acclamation. As a result, the identities of the conservative Democratic Senators who align with Republican Senators is not known. But it is easy to speculate who they are: Senators Clemente Sanchez, John Arthur Smith, Mary Kay Papen, George Muñoz, and in 2019 Gabriel Ramos, all are likely members of this informal coalition.


**Assignment of Committee Chairs and Members.** In the House, committee assignments are done by the Speaker. In the Senate, committee assignments are done by the Committees' Committee, chaired by the Senate Pro-Tem. With selections made by the Pro-Tem, historically this has ensured that Senators Smith (Finance), Sanchez (Corporations & Transportation), and Martinez (Judiciary) have maintained their control of the legislative process.

**Bill Paths to the Governor's Desk.** Once bills are introduced, the Senate Floor leader assigns Senate bills to one, two, or even three committees. In the House, the Speaker determines the committee path for each bill. It is entirely up to committee chairs to determine when or if a bill will be heard, hence the critical importance of the chair selection process. A rule in the House requires bills to be heard in the order they are received, but this rule is often overlooked. If a bill passes through its committee assignments it goes to the respective chamber floor, with the Senate Floor Leader or the House Speaker determining when or if a bill will be heard. Scheduling a bill for a chamber floor vote is entirely at the discretion of the Floor Leader or Speaker.

Once a bill has passed the Senate or House Floor, it is assigned to committees in the other chamber by the Speaker of the House and the Senate Floor Leader for their respective Houses. If a bill passes through both chambers without amendment, it goes to the Governor for final action, either to sign, pocket sign, veto, line-item veto, or pocket veto. For bills that pass both Houses during the last three days of a legislative session, the Governor has 20 days to act per the NM Constitution (Article IV, Section 22).

**Amendments.** Most often there will have been bill amendments introduced in one or both chambers. Bill sponsors work with lobbyists, advocates, and members of each chamber to reconcile amendments and create a bill that will be approved by both chambers. If reconciliation is not achieved, the bill is assigned to a Conference Committee, most often comprised of the bill sponsor, chair of the Senate Finance Committee (Sen. Smith), chair of the House Appropriations & Finance Committee (Rep. Lundstrom), and another legislator, likely a Chair of a committee relevant to the bill's focus. This composition virtually ensures that some of our most conservative Democrats are making final amendments to bills. Once the Conference Committee achieves consensus, a report is submitted to each chamber for adoption, something that almost always passes, as these votes generally occur in the last 72 hours of a session.





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