

Legislative Update February 1, 2020
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It was a good week for the Governor's priority to support early childhood education. All early childhood education bills passed committees. There is clear bi-partisan support for creation of the Early Childhood Trust Fund. Both bills now sit in their respective finance committees. On the other hand, support for using a percentage of the Land Grant Permanent Fund for early childhood education continues along party lines with the majority in support. See below.

Another big topic this week was the gun safety and gun rights' issue. Senate Bill 5 would create a process to take firearms from those posing a danger to themselves or others. The bill was heard in Senate Public Affairs on Tuesday using the senate chambers and gallery to accommodate the amount of people in support and opposition. See below. Friday was "2nd Amendment Day" with many supporters of gun rights circling the Roundhouse lobbying their cause.

HB 83 and SB 3 Early Childhood Education and Care Fund are duplicate bills (Rep. Doreen Gallegos and Sen. John Arthur Smith)

SB 3 received a **Do Pass** in Senate Education Committee on January 27th and is sent to Senate Finance Committee. The bill passed on a unanimous bi-partisan vote.

HB 83 received a **Do Pass** in House Education Committee on January 29th and is sent to the House Appropriations and Finance Committee. The bill passed on a unanimous bi-partisan vote.

The bills create The Early Childhood Trust Fund (ECTF) and endows the fund with \$320 million in fiscal year 2021. The bill also creates an Early Childhood Education and Care Program Fund to be administered by the Early Childhood Education and Care Department, from which the legislature may appropriate for early childhood education and care services and programs. In FY22, the bill distributes \$20 million from the ECTF fund to the Program Fund, and then in FY23 and each year thereafter, the bill distributes the greater of \$30 million or 5 percent of the three-year average of the ECTF fund to the Program Fund.

Support for the bill emphasized the importance of also passing HJR 1 as a temporary supplement to the Early Childhood Trust Fund until this fund can grow a substantial corpus for future distributions. Other support stressed the importance investing in New Mexico's children.

There was no opposition to either bill.

HJR 1 Permanent Funds for Early Childhood, CA (Rep. Antonio Maestas)

HJR 1 received a **Do Pass** in House Education Committee on Wednesday January 29th and is sent to the House for a Floor vote; currently sitting at #2 on the House Calendar. The vote was 10 to 3 along party lines with support from the majority.

This Joint Resolution proposes a constitutional amendment to allow for distribution from the Permanent School Fund of 1% for Early Childhood Education Services. The amendment must be approved by the voters of New Mexico.

Public comment in favor of the resolution stressed that early childhood education is an important investment for NM children. New Mexico voters should have some say in how the Permanent Fund is to be used. HJR 1 is part of an overall strategy to fund early childhood education along with HB 83 and SB 3.

Public comment in opposition continues to question use of over 5%, although Rep. Maestas disagrees that NM is using 5%. Opposition believes the Permanent Fund has been managed appropriately and should not be made available to additional distribution. The Fund already generates over \$1 billion in revenue and that should be enough.

SB 5 Extreme Risk Fire Arm Protection Order Act (Sen. Joseph Cervantes)

This bill received a **Do Pass** in Senate Public Affairs Committee on January 28th and is sent to Senate Judiciary Committee. The bill passed on a party line vote with the majority party in support.

Senate Bill 5 creates the Extreme Risk Firearm Protection Order Act. The Act provides for a new civil process where a household member or a law enforcement officer can petition the appropriate district court for an Extreme Risk Firearm Protective Order against an individual who poses an immediate danger of causing personal injury to self or others by having custody, control or possession of a firearm or ammunition.

Notable opposition to the bill comes from the Sheriff's and Sherriff's Department Associations. They contend this law would violate the rights of law abiding citizens without opportunity for due process and could easily be used maliciously. Also that other states have tried similar laws with no reduction in crime. The Emergency Mental Health Statute exists that already allows law enforcement to intervene when someone is in crisis or suicidal. Other opposition stressed the violation of their rights to bear arms and protect themselves.

Notable support comes from the State Police. The Chief shared an incident that occurred the previous Monday when a suspect with a hand gun was approached by one of their officers and the interaction ended with an officer involved shooting. He continued to say that the suspect was well known to APD and had previous interactions with the law. The suspect was in crisis. The Chief rhetorically asked if this law would have been helpful in this situation. Others in support shared stories of similar situations, when law enforcement had previously been involved with the shooter, such as in Parkland Florida. Secretary of Health stated that suicides of despair are high in New Mexico and this law would help those in despair.