

Capitol Prepares For A Unique Session

SANTA FE – Each January, the Roundhouse fills with schoolkids, lobbyists and politicians – all packed into hallways and meetings rooms.

But a quiet Capitol awaits lawmakers this year.

With the building closed to the public due to the COVID-19 pandemic, only legislators, their staff and a small number of media members will be allowed inside. And many lawmakers will participate in committee hearings and floor debates remotely.

The unprecedented session format has raised concerns among transparency advocates and Republican leadership, as well as among lobbyists and advocates who typically wait in Roundhouse hallways to make their case to legislators.

It's clear this year's session will require a dramatic cultural shift for a community used to handshakes, hugs and shared meals.

"It is very easy to ignore an email, a text or a voice message," said J.D. Bullington, a lobbyist who will represent about 20 clients this session. "It's very difficult to ignore someone who's standing in front of you."

Changes aside, the New Mexico Legislature is scheduled to open a 60-day session at noon Tuesday inside the Capitol, as required by the state Constitution.

But rather than a State of the State address on the House floor from Gov. Michelle Lujan Grisham, as is customary, the first day will be dominated by debate over rule changes, the selection of a new Senate president pro tem and tight security amid nationwide threats of insurrection.

A Lujan Grisham spokeswoman said the Democratic governor will likely deliver a remote State of the State address or may prerecord her speech, which would then be delivered sometime after the session is underway.

The speech is expected to focus on the state's resiliency and progress for New Mexico families and workers despite the trauma of the COVID-19 pandemic, said Lujan Grisham spokeswoman Nora Meyers Sackett.

The governor could also mention some of her priorities for the session, including legalizing recreational cannabis for adult users and distributing more money from New Mexico's largest permanent fund to expand early childhood programs.

23 new legislators

There will be plenty of new faces watching the governor's speech, whenever it is ultimately delivered.

In all, 23 members of the House and Senate – 21% of all legislators – will be new to their position this year, after last year's election cycle that saw all 112 legislative seats on the ballot. Democrats maintain substantial majorities in each chamber – a 45-25 edge in the House and 27-15 in the Senate.

But the Senate is getting new leadership. Longtime Senate President Pro Tem Mary Kay Papen – a moderate Democrat from Las Cruces – was ousted in the 2020 primary election by Carrie Hamblen, a more progressive candidate from Las Cruces.

Several influential Senate committee heads were also defeated in the primary election, including longtime Senate Finance Committee Chairman John Arthur Smith, a fiscally conservative Democrat from Deming.

Sen. Mimi Stewart of Albuquerque is the Democratic nominee to serve as president pro tem – a post with power to determine who leads and serves on Senate committees. A retired educator, Stewart is widely seen as more liberal than Papen.

She recently said the Legislature could move quickly to pass a new pandemic relief package, describing the legislation as “very much in the works.”

Public testimony issue

Once the session is underway, lawmakers are planning to accept public testimony during online committee meetings.

Lawmakers themselves may participate remotely, although members of the Senate will likely be required to be present in the Roundhouse – either at their desks or in their offices – for floor debates.

Veteran lobbyist Linda Siegle said technical issues could prove problematic despite the efforts of legislative staffers, citing recent server troubles that slowed bill drafting.

She also predicted public testimony on complicated bills will be difficult, because lawmakers often rely on lobbyists as expert witnesses.

“Lobbying and advocacy is about relationships and being able to talk one-on-one with legislators,” Siegle said. “I’ve always enjoyed legislative sessions, but it’s not going to be much fun this year.”

Bullington said he expects to have two laptop computers, two tablets and his cellphone going at the same time as he tries to monitor and be prepared to speak at committee hearings.

Legislators, lobbyists and others, he said, are understandably anxious about how it's all going to work.

"I think there are curveballs coming that have not been thrown yet," he said in an interview. "I think that's on everybody's mind. There's a huge, unknown factor in this session we've never had to deal with before."

One wild card, Bullington said, is how strictly the broader Roundhouse community will adhere to the health protocols.

"I know that some lobbyists are being asked by their clients if they plan to lurk around the Capitol or hang outside restaurants with the hope they can have a face-to-face encounter with lawmakers," he said. "I hope everyone behaves responsibly and plays by the rules so that unfortunate situations are avoided."

Remote debate decried

Some Democratic lawmakers have described this year's session as an opportunity to expand public participation. Rather than physically stepping inside the Roundhouse, they argue, people from all corners of the state can share their testimony through the online video meetings.

"I'm hoping we'll be able to use this as a new way of communicating with your legislators and for us not to be in a bubble while we're in Santa Fe," House Majority Whip Doreen Gallegos, D-Las Cruces, told reporters last week.

House Republicans, by contrast, blasted the plans for online work. There's just no way, they say, that legislation can get the usual amount of vetting and public debate.

They noted that an online legislative meeting last year was interrupted when members of the public uttered racial slurs after being unmuted to testify.

Well-meaning citizens may face challenges, too.

House Minority Whip Rod Montoya, R-Farmington, said broad swaths of New Mexico lack cell phone service, much less the high-speed internet necessary to fully participate in a video conference.

"The rural areas of the state will definitely be disadvantaged," he said.

House Minority Leader James Townsend, R-Artesia, said it would be better for lawmakers to take up only what they must for now and leave the rest for a session later this year when in-person participation is safer.

The virtual system planned now "is a disservice to many in New Mexico, and it's not fair," he said. "It will cause more grief and less confidence that our legislative body is working in the best interest of its people."

Democratic leaders contend the Legislature can work safely now to address urgent priorities.

“I wish it didn’t have to be this way,” House Speaker Brian Egolf, D-Santa Fe, said of the security and pandemic procedures. “We would love to be able to gather together as normal. ... But we still have to get the work done.”

Some of the more ceremonial parts of the session – welcoming youth groups, honoring guests – may be rescheduled for later this year, he said. Lawmakers already are planning a special session this fall to take up redistricting based on new census data.

By then, it may be deemed safe to hold a traditional, in-person session.