

Special Session Ends With Another Bruising Debate

SANTA FE – State legislators concluded a volatile 12-day special session Friday by granting final approval for a new map for Senate districts and authorizing an emergency update to New Mexico’s medical malpractice law.

The two proposals now head to Gov. Michelle Lujan Grisham, who has until Jan. 6 to take action on them.

The final work of the Legislature came in the House, where lawmakers engaged in another aggressive debate over how to redraw political boundaries to reflect 2020 census data.

Over the last two weeks, much of the sparring has been especially personal, as lawmakers’ own districts and reelection chances are at stake.

Some of the most critical debate happened out of public view, in private meetings among legislators and with representatives of tribal governments.

The secretive, contentious process renewed calls – from different parts of the political spectrum – for a constitutional amendment that would take redistricting power away from the Legislature in 10 years and turn it over to an independent body.

But Democratic Rep. Derrick Lente of Sandia Pueblo told his colleagues Friday that they also had something to be proud of – the adoption of legislative maps incorporating the wishes of Native American nations within New Mexico.

Opponents of the maps, he said, had tried to pit Native American and Hispanic residents against each other.

“With all the race baiting that I witnessed for the last several days,” Lente said, “I feel compelled to at least say something – to say something on behalf of the individuals and Indigenous tribes that came together on behalf of their people and the places they live and have lived since time immemorial.”

His remarks came after House Minority Whip Rod Montoya, R-Farmington, accused legislators of authorizing a Senate map that harms Hispanic Republicans.

The map heading to Lujan Grisham would establish 15 Senate districts – out of 42 altogether – where Hispanic residents are a majority of the adult population, down from 16 under the current map, based on 2020 census data.

“I think if you are a Hispanic with certain values,” Montoya said, “you have a target on your back.”

The House voted 38-22 in favor of the Senate redistricting legislation, Senate Bill 2, which had passed the Senate on a 25-13 vote late Thursday evening.

The chamber also adopted emergency legislation intended to prevent an interruption in health care services after Dec. 31.

The proposal, House Bill 11, would update a medical malpractice law – much of which goes into effect Jan. 1 – to resolve questions that have kept insurance carriers from offering insurance to some of New Mexico’s health care providers.

Supporters say the bill is necessary to ensure independent doctors – many of them surgeons – can continue to work in hospitals and that independently owned outpatient clinics can continue operations.

A coalition of trial lawyers, hospital leaders, physicians and patient advocates agreed on the suggested changes, and the House granted final approval Friday.

“We are facing a real crisis Jan. 1,” Democratic Rep. Dayan Hochman-Vigil of Albuquerque said Friday. “We must make these fixes as outlined in this law, so we don’t put patients at risk and so we don’t put doctors in a terrible position of having to practice without insurance.”

The special session – largely dedicated to redistricting – has already prompted argument over how to handle redistricting in a decade.

Unlike 10 years ago, when the courts ended up drawing some boundary lines, lawmakers approved new maps for the state’s three congressional districts and both legislative chambers.

But some open government advocates said more changes might be needed to the redistricting process after maps crafted by the Citizens Redistricting Committee, an independent group created by legislators this year, were only partially incorporated by lawmakers during the special session.

“As the final days of the session made all too clear,” Heather Ferguson of Common Cause New Mexico said, “New Mexico needs a process that is transparent and rejects the current legislative imperative of incumbent protection in favor of the basics of redistricting: protection of minority voting rights and communities of interest.”

Ryan Cangiolosi, a former state GOP chairman who served on the redistricting committee, said the law should be changed to limit the Legislature’s ability to make changes to maps recommended by the Citizens Redistricting Committee.

“What we’ve seen is, it got to the Legislature and politics as usual occurred,” Cangiolosi told the Journal.

As for lawmakers, some explicitly called for a constitutional amendment that would establish an independent redistricting commission. Others just expressed broad dissatisfaction.

“This process sucks, to be totally honest,” said Rep. Jane Powdrell-Culbert, a Corrales Republican whose new district is expected to be extremely competitive.

Rep. Miguel P. Garcia, D-Albuquerque, put it this way: Redistricting “takes a toll on all of us.”

For this first time, New Mexico this year established a citizen committee – appointed by legislative leaders and the State Ethics Commission – to hold hearings throughout the state and recommend maps.

But the recommendations weren’t binding.

Democratic supporters of the maps that were adopted by the Legislature repeatedly described them as based on the initial suggestions from the Citizen Redistricting Committee. Republican opponents, in turn, noted that lawmakers made substantial changes to the recommended maps.

Some of the changes were designed to unpair incumbents and ensure they wouldn’t have to run against each other or move to keep a legislative seat.

House Minority Leader James Townsend, R-Artesia, described such efforts as “buddymandering,” or adjusting district lines for political purposes.

But some pairings remain.

Among legislators who say they intend to seek reelection or are undecided, six incumbents are set to be paired in a district with another member under the adopted maps. They are:

- Republican Greg Nibert and independent Phelps Anderson in a Roswell district of the House.
- Democrat Hochman-Vigil and Republican Bill Rehm in an Albuquerque House District.
- Senate Minority Leader Greg Baca of Belen and Joshua Sanchez of Bosque, both Republicans in a central New Mexico district.

At least some map revisions were based on a delicate consensus reached by pueblo governors, Navajo Nation representatives and other tribal government leaders that was tested but held firm during the special session's final days.

With the special session over, lawmakers will have a few weeks over the holidays to decompress. A 30-day regular session will then start Jan. 18.