

LEGISLATIVE BULLETIN

VOL. 2011-8

MARCH 12, 2011

House, Senate Act on Driver's License Issue

With the state budget bill now in the Senate, the legislature turned to another, more controversial matter this week. House Bill 78, introduced by Representative Andy Nuñez, was “blasted” out of House Consumer and Public Affairs and House Judiciary Committees and a House floor substitute was passed on a 42-28 vote. The bill would prohibit the state from issuing driver's licenses to persons who do not have a Social Security number. Due to the prolonged debate and the introduction of the floor substitute, the House took two days to finally vote on the measure and send it to the Senate. Senate Judiciary Committee amended the bill to allow foreign nationals to continue to receive licenses, but toughened penalties for using false identification in applying for a license and that version passed the Senate on a 25-16 vote. The bill now goes back to the House for concurrence with the Senate amendments.

Other bills of municipal interest saw action this week.

House Joint Resolution 18, CA: Members on Judicial Standards Commission, introduced by House Majority Leader Ken Martinez, passed the House on a 58-10 vote. The measure proposes a constitutional amendment to add two additional members to the Judicial Standards Commission, one of which would be a municipal judge. The enabling legislation to accomplish the change, House Bill 285 also introduced by the Majority Leader, earlier passed the House and is now in Senate Public Affairs Committee. This is one of the League's legislative priorities.

House Appropriations and Finance Committee Substitute for House Bill 628, Contribution Rate Change in Retirement Plans, passed the House on a 43-26 vote. The bill requires state workers and public school teachers and college faculty to contribute more to their retirement systems. The plan, along with a delay in increasing funding for the state education retirement fund, would save the state an estimated \$100 million over the next year. The bill is considered to be a pivotal part of the proposed state budget waiting to be heard by the Senate. The bill is scheduled to be heard in Senate Finance Committee.

House Bill 147, Availability of Agendas for Public Meetings introduced by Representative James Smith, passed the House on a 66-0 vote. As amended, the bill requires public bodies to post agendas for public meetings at least 72 hours prior to the meeting. As introduced, the bill would have required a seven-day notice for agendas.

Senate Bill 262, Construction Commission Inspection Authority introduced by Senator Bernadette Sanchez, received a Do Pass recommendation from the Senate Public Affairs Committee. As amended, the bill would give local building inspectors state-wide jurisdiction. The bill now goes to the Senate floor.

Senate Bill 392, Enact “Local Government Transparency Act” introduced by Senator Mary Jane Garcia, passed the Senate on a 26-14 vote. The bill requires local governments with populations of more than 15,000 and Class A counties to post information regarding their individual budgets, monthly revenues, employee salaries and other information online.

Senate Bill 505, Expand Fire Protection Fund Uses introduced by Senate Minority Leader Stuart Ingle, passed on a 41-0 vote. The bill authorizes the use of the Fire Protection Fund for fire department emergency medical services, except for salaries.

PLEASE NOTE: We will not be publishing a *Legislative Bulletin* next week. We will publish a *Final Bulletin* after the close of the legislature, when we have final disposition on the bills.

LEAGUE OFFICE PARKING DURING THE SESSION

Because of the demand for parking around the Capitol during the session, we must protect the availability of parking for our municipal officials and staff. In order to reduce the possibility of accidents, a few areas in our lots are designated by signs as “NO PARKING” AREAS.” If you are visiting the session and need to park in the League lots, please help us by observing the following rules:

- 1. Do not park in the areas designated as “NO PARKING” zones.*
 - 2. Obtain a League Parking Permit from the reception desk and leave it on the rear-view mirror of your car so that it’s easily visible.*
 - 3. DOUBLE PARKING OR PARKING BEHIND ANOTHER CAR IS NO LONGER PERMITTED IN OUR LOTS.*
-
-

YOUR LEGISLATIVE BULLETIN

If you would like to receive the Bulletin electronically, we will send you a link by email each Friday. You can contact Roger Makin via e-mail (rmakin@nmml.org) or by fax (505-984-1392). Please be sure to include your name, title, municipality or agency, mailing address, and e-mail address. The Bulletin will also be posted each Friday on the League’s website at www.nmml.org/legislation-advocay. Daily analysis of newly-introduced bills will also be posted on the website under Legislative News. We urge you to take advantage of this service in order to reduce mailing costs and time delays.

Municipal officials who receive the **Bulletin** include all mayors, commissioners, councilors, trustees, managers, clerks, municipal judges, police chiefs and many other municipal officials.

The **Legislative Bulletin** contains:

- ◆ a brief review of all bills of municipal interest of which we have received a copy since the prior Bulletin (it will save you and us time if you make a note of the House or Senate Bill number you are interested in);
- ◆ a brief analysis of key legislative developments of the past week;
- ◆ detailed explanations of key municipal bills; and, perhaps,
- ◆ an Action Call if any important municipal bill is scheduled to be heard in committee or on the floor of either house.

Your legislator can be reached by name through the **Legislative Switchboard: (505) 986-4300** in Santa Fe. For those of you "On Line," the Legislature's web site also contains the e-mail addresses of those legislators who use the service. That address is: <http://www.nmlegis.gov>. Also check the League’s web site (www.nmml.org) for League information.

CAPITAL PROJECT FUNDING BILLS

Capital outlay project requests in recent years have not been introduced as legislative bills, but submitted as “capital outlay requests.” All approved requests are then included in a major capital outlay bill for final passage.

In past years we have reported these requests as we received the printed copies. The legislature will track all capital outlay requests electronically only. Therefore, we are no longer able to report the requests for you as we had in the past. However, the good news is that all requests will be listed on the legislative web site at legis.state.nm.us (click on Bill Finder on the left, then on Capital Outlay). Each request is listed under the appropriate county and then alphabetically by title and includes the description of the request along with the dollar amount. Legislative Council Service will be updating the information every Tuesday and Friday evenings so the new introductions will be available for you early on Wednesdays and Saturdays. We checked the site today and think you will find it an easy way to find your special projects. As always, you can contact your legislators directly to find out when your project will be scheduled for hearing.

ABBREVIATION CODE

HB	House Bill	SB	Senate Bill
HCR	House Concurrent Resolution	SCR	Senate Concurrent Resolution
HJR	House Joint Resolution	SJR	Senate Joint resolution
HJM	House Joint Memorial	SJM	Senate Joint Memorial
HM	House Memorial	SM	Senate Memorial

* Contains Emergency Clause (effective immediately on Governor's signing)
 CA - Constitutional Amendment (requires approval by statewide electorate)

	HOUSE COMMITTEES	HVEC	Voters and Elections
HAFC	Appropriations and Finance		
HAGC	Agriculture and Water Resources	SENATE COMMITTEES	
HBIC	Business and Industry	SCC	Committee's Committee
HCPAC	Consumer and Public Affairs	SCONC	Conservation
HCW	Committee of the Whole	SCORC	Corporations and Transportation
HEC	Education	SCW	Committee of the Whole
HENRC	Energy and Natural Resources	SEC	Education
HEEC	Enrolling and Engrossing	SFC	Finance
HHGAC	Health and Government Affairs	SIAC	Indian and Cultural Affairs
HJC	Judiciary	SJC	Judiciary
HLC	Labor and Human Resources	SPAC	Public Affairs
HPSC	Printing and Supplies	SRC	Rules
HRC	Rules and Order of Business	SWMC	Ways and Means
HTPWC	Transportation and Public Works		
HTRC	Taxation and Revenue		

Bill Introductions Through Wednesday, March 9, 2011

- HM 51 REQUEST CLEAN ENERGY INNOVATION ZONES (O'Neill).** States that New Mexico is poised to benefit from emerging clean energy economies due to its abundance of resources and renewable energy assets and that the creation of clean energy zones would spur new economic activity and job growth in both rural and urban areas; requests the Office of the State Engineer, Economic Development Department and Energy, Minerals and Natural Resources Department to collaborate with interested business and community leaders to develop the parameters of a process to establish clean energy innovation zones; a report of the findings is due to the appropriate interim legislative committee by September 1, 2011. HCPAC
- HM 53 DOH IMPACT STUDY OF MEDICAL MARIJUANA ACTS (Smith).** Requests the Department of Health to conduct a study of the impact on the state of the medical marijuana acts and that the study consider new developments in the field of medicine, appropriate age ranges for treatment of conditions with medical marijuana, legal status of unresolved conflicts between state and federal law, and whether use of marijuana for medical purposes has resulted in any increased criminal activity and other issues; also requests that the study identify unresolved issues, problems and benefits and whether continuation of the program is justified; asks the Department of Health to consult with members of law enforcement in conducting the study; a report of findings and recommendations is due to the appropriate interim legislative committee by October 2011. HCPAC/HAFC
- HM 54 LIQUOR CONTROL ACT REVIEW (Cook).** Requests the appropriate interim legislative committee to review the Liquor Control Act and the impact on economic development of the underlying policy of that Act that limits the number of full-service liquor licenses in each municipality and in the unincorporated portions of each county; the committee is requested to determine the feasibility of revising the Liquor Control Act to provide for additional full-service liquor licenses, especially in smaller market local option districts, in order to enhance opportunities for economic development. HBIC

CS/SB 495 UNMARKED VEHICLE USE CERTIFICATION. Amends §15-8-6; a state vehicle that has a law enforcement function shall be marked and have state registration plates with the exception that an agency that wishes to use the vehicle in an unmarked way shall have the head of the agency certify annually that: 1) the vehicle is legitimately necessary for undercover law enforcement purposes; 2) the vehicle shall not be used except for undercover law enforcement; and 3) the law enforcement officer that uses the unmarked vehicle to stop a motor vehicle while enforcing a provision of the Motor Vehicle Code shall provide to the driver evidence of the vehicle's status as a law enforcement agency vehicle and the officer's badge identification number; a violation of these provisions is a misdemeanor. SJC