

# LEGISLATIVE BULLETIN

VOL. 2012-4

FEBRUARY 10, 2012

## Sine Die on February 16

The House of Representatives passed the 2012-13 budget (CS/HB 2,3,4,5 &6) this week by a vote of 70-0. The bill now goes to the Senate for consideration. Senate Finance Chairman John Arthur Smith said on the Senate floor this week that the budget will take precedence over a number of bills that have been referred to the Senate Finance Committee. In other matters, actions on bills of municipal interest occurred this week:

Senate Bill 219, State Aviation Fund Uses, introduced by Senate Majority Leader Michael Sanchez, passed the Senate on a 37-0 vote. The bill Amends §7-1-6.7 to remove the June 30, 2012 sunset for distributions to the State Aviation Fund. It also amends §64-1-15 to authorize State Aviation Funds to be used for planning, program administration, construction, equipment, materials and maintenance of a system of airports, navigation aids and related facilities. The bill now goes to the House.

Senate Bill 52, No Precinct Worker Benefit Suspension, introduced by Senator George Muñoz and representative Lucky Varela, passed the Senate on a 41-0 vote. Precinct board members are designated as seasonal employees and suspension of benefits under PERA do not apply to retired employees working as precinct board members working in a municipal election or an election covered by the Election Code. The bill has been referred to the House Voters and Elections Committee.

Senate Bill 67, Secondhand Metal Dealer Requirements, introduced by Senator Steven Neville, also passed the Senate on a 39-0 vote. The bill amends the Sale of Recycled Metals Act to help prevent the theft and sale of metal to secondhand metal dealers and requires secondhand metal dealers to be registered with Regulation and Licensing Department. The bill also sets duties for the secondhand metal dealers which include complying with federal requirements for scrap metal dealers, including maintaining storm water permits. The bill will be heard in the House Business and Industry Committee.

House Bill 35, Public Meeting Agendas 72 Hours Prior, introduced by Representative James Smith, received a Do Pass recommendation from the House Health and Government Affairs Committee. The bill amends §10-15-1 of the Open Meetings Act to require agendas to be available to the public at least 72 hours prior to a public meeting (from 24 hours). An amendment to the bill stipulates public bodies must also post agendas on their web sites if they maintain one.

Senate Corporations and Transportation Committee Substitute for Senate Bill 5, Restrict Sale or Use of Fireworks, introduced by Senator Dede Feldman and Representative Nate Gentry, was tabled in Senate Corporations and Transportation Committee. The bill, as amended, would have allowed the State Forester to ban the sale or use of fireworks in areas where there was determined to be a high, very high or extreme fire danger condition. The bill would also allow municipalities and counties the authority to ban all fireworks under high, very high or extreme fire danger conditions. A similar bill, Senate Bill 300, Allow EMNRD to Ban Fireworks, introduced by Senator Phil Griego, was passed over in the Senate Public Affairs Committee at the request of the sponsor. The bill would have authorized the Forestry Division of the Energy, Minerals and Natural Resources Department to ban or restrict the sale or use of fireworks during times of severe drought. The issue of fireworks restrictions had been on the Governor's call during this 30-day session.

Senate Bill 271, Eliminate Hold Harmless Provisions, introduced by Senator John Arthur Smith, got a Without Recommendation report from the Senate Corporations and Transportation Committee. The bill would eliminate the hold harmless distribution from the state to municipalities and counties over a 15 year period for food and medical receipts. The bill now goes to the Senate Finance Committee.

**SPECIAL NOTE:** The League will not publish a *Legislative Bulletin* next week after the session ends on February 16. We will publish a *Final Bulletin* in the week after the session ends. If you have questions concerning a particular bill, please contact the League staff.

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## 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.*
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## YOUR LEGISLATIVE BULLETIN

This is the first in the series of weekly League **Legislative Bulletins** designed to communicate with municipal officials, legislators and the Executive Branch of state government.

The **Bulletin** will be sent by first class mail from Santa Fe each Friday afternoon so that it should arrive at its destination by the following Monday morning.

*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](mailto: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](http://www.nmml.org). 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](http://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](http://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)

	<b>HOUSE COMMITTEES</b>	HVEC	Voters and Elections
HAFC	Appropriations and Finance		
HAGC	Agriculture and Water Resources	<b>SENATE COMMITTEES</b>	
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, February 8, 2012**

- HJM 24**    **COURT BACKGROUND CHECK SYSTEM (Hall, JW).** Requests the Administrative Office of the Courts and the Department of Public Safety to convene a task force to study the feasibility and costs of establishing a criminal background information unit at the Administrative Office of the Courts that would serve all magistrate, metropolitan and municipal courts by providing comprehensive criminal background information on criminal defendants; cites that these courts currently do not have access to critical information on the background of defendants when determining conditions of release. Requests that the task force examine how the criminal background information unit can utilize the resources of the Department of Public Safety in obtaining comprehensive background information on defendants. The task force is to include representatives from the Corrections Department, Administrative Office of the District Attorneys, Public Defender Department and any other appropriate and interested parties. Findings and recommendations are due to the appropriate interim legislative committee by November, 2012. HJC/HAFC
- HJM 25**    **COMBINE ESPAÑOLA E911 & STATE POLICE E911 (Rodella).** Requests the Department of Finance and Administration and Department of Public Safety to cooperate in a study of the feasibility of consolidating public service answering points and state police dispatch centers, especially in Española; a report is due from the agencies to the appropriate interim committee by December 1, 2012. HCPAC
- CS/SB 324**    **SERIOUS INJURY OR DEATH CIVIL ACTIONS.** Amends §37-1-8; an action involving catastrophic injury or death may be brought within 30 years of the occurrence; a catastrophic injury is an injury to a person that creates a high probability of death, that causes serious disfigurement or that results in permanent or protracted loss or impairment of the function of any member or organ of the body; removes the tort claims caps for property damage, past and future medical expenses, claims arising out of a single occurrence and total liability. SCC

- CS/SB 358 RAISE GAS TAX & HWY. DISTRIBUTION PROJECT FUND.** Amends §7-13-3 to raise the state Gasoline Tax from \$.17 cents per gallon to \$.21 cents per gallon during the period between July 1, 2012 and June, 2017; raises the special fuels tax from \$.21 cents per gallon to \$.25 cents per gallon during the same period; Local Road Funds and distributions to the State Aviation fund are held harmless in their current distributions; a distribution equal to 19 percent of net receipts attributable to the Gasoline Tax is to be made annually to the newly-created Highway District Project Fund that is dedicated to state highway projects between 2012 and 2017. Effective 7/1/12. SCORC
- SJM 46 TAX REFORM TASK FORCE (Ulibarri).** Requests the Legislative Council to convene a task force to conduct a study of New Mexico's tax system, using the findings of the 2003 Blue Ribbon Tax Reform Commission as a model, which study should identify the current system's strengths and weaknesses and consider improvements to make the system more conducive to economic growth, including evaluating existing tax incentives and investigating new tax incentives that would maximize economic development in the state; at least one member of the 23-member task force should represent municipal government. The task force's recommendations are to be presented to the Revenue Stabilization and Tax Policy Committee by September 1, 2012. SRC/SFC
- SM 77 METHAMPHETAMINE PRODUCTION & ABUSE (Jennings).** States that continued vigilance and interagency cooperation is needed to interdict methamphetamine trafficking, prevent abuse and address potential environmental contamination associated with the illicit manufacture of methamphetamine; requests the Board of Pharmacy and the Department of Public Safety to study the use of technology to conduct real-time electronic monitoring of over-the-counter purchases of methamphetamine precursors to prevent their illegal purchase by persons involved in the illicit manufacture of methamphetamine; requests law enforcement and the Department of Environment work together to ensure prompt reporting and posting of clandestine drug laboratories; requests the Board of Pharmacy, the Department of Environment and law enforcement agencies evaluate state-of-the-art technologies to enhance timely communications and coordination of efforts to address the continuing methamphetamine threat. SRC/SPAC