



**Summary of  
2008 LAWS  
of Interest to  
Municipalities**

**April, 2008**

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## PREFACE

New Mexico Chapter Laws are numbered in the order in which the Governor signs them. If one or more chapters amended the same section of existing statutes, the version that becomes law is the version in the last bill signed.

The Governor has line-item veto power over bills containing appropriations. Partial vetoes are designated by striking through the deleted language.

The designation “CS/” or “FL/” before a bill means “Committee Substitute” or “Floor Substitute” indicating that a House or Senate Committee or the entire House or Senate, during a floor session, passed a rewritten version in place of the original bill.

The effective date of the signed bill is shown at the end of the chapter summary. Unless a specific effective date is listed in the bill, it is effective 90 calendar days after the close of the session (May 14 this year) or, if it is an appropriation, on July 1, the beginning of the new fiscal year. Bills with an emergency clause (\*) become effective on the date signed by the Governor.

Proposed Constitutional Amendments (CA) are in the form of joint resolutions passed by both houses and are numbered in order of final passage. They do not require the Governor’s signature, but are enacted if they receive voter approval by a majority vote at a statewide general or special election.

Joint Resolutions and Memorials are expressions of intent and usually request state agencies or committees to perform some task and report back to the Legislature. They have passed both houses, but do not require the Governor’s signature. Memorials are also expressions of intent or request for some action but need only pass the house in which they were introduced. They do not require the Governor’s signature.

All bills that were vetoed by the Governor this year are reported at the end of the Summary. A “pocket veto” designation means the Governor took no action on the bill within the required time limit. This effectively vetoes the measure.

*Santa Fe, New Mexico  
April, 2008*

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## **2008 SUMMARY OF NEW MEXICO LAWS of Interest to Municipalities**

### **Chapter 2**

**\*SB 66**

**MINIMUM WAGE ACT EXEMPTIONS (Jennings).** Amends §50-4-21 to exempt the state and any political subdivisions of the state from provisions of the state Minimum Wage Act, except for the provision that the state and political subdivisions shall pay the state minimum wage rate. **EMERGENCY CLAUSE.** Effective 1/18/08.

### **Chapter 5**

**\*SB 257**

**HOSPITALITY FEE TECHNICAL CHANGES (Sanchez, B.)** Makes technical changes to §3-38A-3 that were the result of errors in Enrolling and Engrossing procedures in 2007; municipalities may spend 50 percent of the hospitality fee proceeds to purchase advertising that promotes tourist-related attractions, facilities and events in the municipality; eliminates the requirement that municipalities use 25 percent of the proceeds to retire debt incurred for a metropolitan court facility; this currently applies to Albuquerque. **EMERGENCY CLAUSE.** Effective 2/13/08.

### **Chapter 10**

**HB 337**

**SEX OFFENSE VICTIM POLYGRAPH (Lujan, B.).** Enacts one new section of Chapter 30, Article 9 of the Criminal Code. Prohibits a law enforcement officer, prosecuting attorney or other government official from asking or requiring an adult, youth or child victim of the sexual offenses of criminal sexual penetration, criminal sexual contact, and criminal sexual contact of a minor (§§30-9-11 thru 13) to submit to a polygraph exam or other truth-telling device as a condition for proceeding with the investigation, charging or prosecution of the offense. The victim's refusal to submit to the exam shall not prevent the investigation, charging or prosecution of the offense. Effective 7/1/08.

### **Chapter 11**

**HB 387**

**GRT: LOCOMOTIVE FUEL TAX EXEMPTION EFFECTIVE DATES (Cote).** Provides for a later effective date for provisions exempting locomotive fuel from gross receipts and compensating tax if conditions have not been met by July 1, 2009; allows the exemption to go into effect on July 1, 2010 if the Economic Development Department certifies to the Taxation and Revenue Department that construction of a railroad locomotive refueling facility project in Doña Ana County has commenced, including land acquisition, acquisition of all necessary permits and commencement of actual construction. Effective 5/14/08.

### **Chapter 16**

**SB 68**

**INCREASE DOMESTIC VIOLENCE PENALTIES (Adair).** Includes domestic violence offender intervention programs along with the authorized treatment programs required for those convicted of battery against a household member; total period of incarceration for battery against a household and aggravated battery against a household member shall not exceed 364 days and the combined period of incarceration and probation shall not exceed two years; new material makes a third conviction of battery or aggravated battery against a household member or any combination thereof a fourth degree felony and a fourth conviction is a third degree felony; for the purposes of determining the number of offenses committed, each offense must have been committed after conviction for the preceding offense; adds the definition of a "continuing personal relationship" as a dating or intimate relationship; applies to convictions obtained on or after July 1, 2008. Effective 7/1/08.

**Chapter 17****SB 71**

**CREATE OFFENSE OF HUMAN TRAFFICKING (Garcia, MJ).** New material creates the offense of human trafficking, which is a person knowingly: 1) recruiting, soliciting, enticing, transporting or obtaining by any means another person with the intent or knowledge that force, fraud or coercion will be used to subject the person to labor, services or commercial sexual activity; 2) recruiting, soliciting, enticing, transporting or obtaining by any means a person under the age of eighteen years with the intent or knowledge that the person will be caused to engage in commercial sexual activity; or 3) benefiting, financially or by receiving anything of value, from the labor, services or commercial sexual activity of another person with the knowledge that force, fraud or coercion was used to obtain the labor, services or commercial sexual activity; authorizes the Attorney General and District Attorney in the county to have concurrent jurisdiction; creates a Task Force to Combat Human Trafficking that includes representation from local law enforcement and the State Police from geographic areas of the state; the Task Force is to collaborate with the U.S. Attorney for the District of New Mexico, the U.S. Border Patrol and the U.S. Immigrations and Customs Enforcement to carry out duties of the Task Force and to submit annual reports of its activities to the Governor and Legislature; Task Force is to be terminated on July 1, 2016. Effective 7/1/08.

**Chapter 23****\*HB 184**

**LOCAL GOVERNMENT INVESTMENT PROVISIONS (Varela).** Clarifies provisions regarding investment of public funds by local public bodies and other eligible governing bodies. Amends §6-10-10.1, 6-10-10, and 10.1. Changes the name of the Short-Term Investment Fund to the Participating Government Investment Fund. Adds several definitions including: “eligible governing body” is a local governing body, governing authority of a tribe or any other governmental or quasi-governmental body created pursuant to New Mexico statutes; “local governing body” is a political subdivision of the state, including school districts and post-secondary educational institutions; and, “participating government” is an eligible governing body or the State Treasurer on behalf of the General Fund that has invested money in the Participating Government Investment Fund. The Fund shall consist of all deposits from participating governments, including revenues dedicated to repaying bonds; authorizes the State Treasurer to divide the Fund into two or more subfunds for short-term and medium-term investment purposes, including one or more subfunds for bond proceeds deposited by participating governments; authorizes the State Treasurer to invest in the Participating Government Investment Fund and the investments shall be less than 5% of the total assets of that Fund. Audit, administrative and investment expenses shall be deducted directly from the net investment income; the amount of the charges, manner of use by the State Treasurer and nature of bond-related services to be offered will be established in rules adopted by the State Treasurer and approved by the State Board of Finance; the amounts deducted shall be used for administration and management of the Participating Government Investment Fund and services provided to the participating governments; balances remaining in the Treasurer’s operating account from deductions taken in excess of the amount required shall be offset by reductions in the charges subsequently made by the Treasurer to the participating governments. Regarding investment of state funds, the State Treasurer shall invest the Fund in investments with a maturity at the time of purchase that does not exceed three years (changed from 397 days). Authorizes the State Treasurer to offer services to participating governments related to federal income tax requirements applicable to investment of bond proceeds; requires governing authorities of tribes and quasi-governmental bodies to adopt a resolution to be eligible to become a participating government. Deposits made by the State Treasurer on behalf of the General Fund shall not exceed 5% of the total amount in the Participating Government Investment Fund at any time. **EMERGENCY CLAUSE.** Effective 2/27/08.

**Chapter 25****\*SB 8**

**HOUSING AUDIT SERVICE PURPOSES - GF (Rawson).** Appropriates \$200,000 from the General Fund to the State Auditor to conduct a complete financial audit of regional housing authorities; requires audit findings to be presented to the Legislative Finance Committee, the Mortgage Finance Authority Act Oversight Committee and the Department of Finance and Administration no later than December 1, 2008. **EMERGENCY CLAUSE.** Effective 2/28/08.

**Chapter 26****SB 116**

**RAISE PROPERTY TAX LIMITATION INCOME LIMIT (Snyder).** Amends §7-36-21.3; beginning with the 2009 and subsequent tax years, the valuation of single-family dwelling owned and occupied by a person 65 years or older or disabled whose modified gross income is \$32,000 or less shall not exceed: 1) the 2009 tax value if the person owns and occupies the property in the 2009 tax year; 2) the tax year in which the owner's 65<sup>th</sup> birthday occurs, if that is after 2009; or 3) the tax year following the tax year in which an owner 65 years of age or older first owns and occupies the property, if that is after 2009; an owner entitled to valuation limitations may designate the part of this section pursuant to which the limitation is applied. Effective 5/14/08.

**Chapter 29****CS/SB 281**

**SALE OF RECYCLED METALS ACT.** Enacts the Sale of Recycled Metals Act. Requires sellers of scrap metal to a secondhand metal dealer to maintain in a prominent place in their business a notice in 2" lettering that "a person attempting to sell regulated material must present sufficient identification as required by state law". The notice shall also include that the state provides a criminal penalty for a person who intentionally provides a false ID; dealers must keep accurate records for three years of all purchases of copper, brass, bronze and aluminum material in excess of 10 pounds or steel in excess of one ton; a record shall be kept of the purchase of a stainless steel beer keg. The record shall also include: the place and date of the purchase; name and address of each person from whom the material is purchased; the identifying number of the personal identification document of each person from whom the regulated material is purchased; the make, model and license number of the motor vehicle used to transport the material; and a description of the type and quantity of material purchased. The seller must also provide a signed statement saying he is the rightful owner of the material being sold. A peace officer or an employee of the Department of Regulation and Licensing may request to inspect such records; a dealer must report purchases of regulated materials to the Department of Regulation and Licensing within two days; the Department shall establish and maintain an electronic database of all required records; a dealer shall not process or remove regulated materials until the fifth business day after their acquisition. Establishes penalties for violations of the Act; authorizes civil penalties for violations of the Act not to exceed \$1,000 per violation; establishes a notice and hearing provision for a person being penalized with a civil penalty. Effective 1/1/09.

**Chapter 32****SB 492**

**MV: SPECIAL PLATES FOR PURPLE HEART RECIPIENTS (Sanchez, M.)** Authorizes the Motor Vehicle Division to offer special registration plates that are different from the plates authorized in §66-3-419 NMSA 1978 distinguishing the person as a recipient of the Purple Heart; prohibits any person from falsely representing being a Purple Heart recipient; violation is a misdemeanor. Effective 5/14/08.

**Chapter 33****SB 177**

**MONTHLY PROPERTY TAX PREPAYMENTS (Sanchez, B.)** New material authorizes the Board of County Commissioners, by resolution, to provide property owners the option of making prepayments of property taxes in 10 monthly payments beginning June 1 of the year in which the tax bill is prepared and ending March 1 of the following year; the first nine monthly payments

shall be equal to 10 percent of the prior year's property tax bill and the final payment will be the balance due, provided that any optional payment authorized may not be exercised if taxes are escrowed for the property owner and included in the owner's monthly mortgage payment; applies to property tax years beginning after January 1, 2009.

**Chapter 34**  
**SB 178**

**MV: BREAST CANCER AWARENESS PLATES (Kernan).** Authorizes the Taxation and Revenue Department to issue Breast Cancer Awareness license plates; fee is \$35 in addition to regular registration fees, and \$25 of the additional fee is appropriated to the Department of Health for the purpose of funding breast cancer screening, outreach and education. Effective 5/14/08.

**Chapter 35**  
**\*SB 489**

**LOCAL GOVERNMENT TRANSPORTATION FUND DISTRIBUTIONS (Rainaldi).** Amends §6-21-6.12. Authorizes the New Mexico Finance Authority to distribute money in the Local Government Transportation Fund to the federal Department of Transportation acting as fiscal agent for a local government. **EMERGENCY CLAUSE.** Effective 2/28/08.

**Chapter 37**  
**\*HB 172**

**PUBLIC PROJECT REVOLVING FUND PROJECTS (Varela).** Authorizes the New Mexico Finance Authority to make loans for public projects from the Public Project Revolving Fund for the following municipal projects: **Albuquerque:** rail spur project; **Artesia:** equipment, building, infrastructure, refinancing, water, wastewater, water rights, solid waste, road and land projects; **Bloomfield:** for land acquisition; **Capitan:** for equipment, water and wastewater projects; **Carlsbad:** for equipment, building, infrastructure, road, land, refinancing, water and wastewater projects; **Columbus:** for road, land, water, refinancing, equipment, building, wastewater and infrastructure projects; **Dexter:** for building, equipment, water, infrastructure and refinancing projects; **Elephant Butte:** for building, water, water rights, wastewater, equipment and refinancing projects; **Estancia:** for equipment, building, water, wastewater, refinancing and infrastructure projects; **Hagerman:** for equipment, building, refinancing, water and infrastructure projects; **Hobbs:** for equipment, building, infrastructure, water, wastewater and refinancing projects; also for equipment, building, infrastructure, land, water, wastewater and refinancing; **Red River:** equipment, building, infrastructure, water, wastewater and refinancing projects; **Reserve:** building, equipment, infrastructure and refinancing; **Rio Rancho:** equipment, building, infrastructure, special assessment district and refinancing projects; **Tularosa:** building, equipment, infrastructure and refinancing projects. **EMERGENCY CLAUSE.** Effective 2/28/08.

**Chapter 40**  
**CS/HB 227**

**DOMESTIC ABUSE AND STALKING.** Amends the Criminal Code and the Family Violence Protection Act. Provides that an alleged victim of domestic abuse, stalking, sexual assault, or harassment is not required to bear the cost of the prosecution of a misdemeanor or felony domestic violence offense; victims of domestic abuse shall not bear the costs of filing, issuance or service of petitions for an order of protection, or obtaining law enforcement reports relating to alleged abuse or pattern of abuse; no witness fee shall be charged where prohibited by federal law; redefines "domestic abuse" as an incident of stalking or sexual assault whether committed by a household member or not; specifies that "domestic abuse" does not mean the use of force in self-defense; adds definitions of "mutual order of protection", "protected party" and "restrained party"; redefines an "order of protection" to include an injunction, restraining or other court order granted for protection; a mutual order of protection shall be issued only in cases where both parties have petitioned the court and the court makes detailed findings of fact indicating that

both parties acted primarily as aggressors and neither party acted primarily in self-defense; provides that an order of protection shall not be issued unless a petition or a counter petition has been filed; clarifies that a responding law enforcement officer must advise the victim of the right to file a criminal complaint; requires that the police report on an arrest include, when appropriate, an indication that the party arrested was the predominant aggressor; enacts one new section that prohibits any state agency, court or political subdivision, including magistrate or municipal court, judicial district, law enforcement agency, county, municipality or home-rule municipality from making available publicly on the Internet any information that would likely reveal the identity or location of the party protected under an order of protection; authorizes state agencies, courts or political subdivisions to share court- and law enforcement-generated registries for protection order enforcement purposes. Effective 7/1/08.

## **Chapter 41**

**HB 237**

**STATE ELECTION CODE: AUTOMATIC ELECTION RECOUNTS (Campos).** Enacts 3 new sections of the State Election Code; amends §1-14-18. Requires an automatic vote recount when the returns for a state or federal office in a primary or general election indicate that the margin between the two candidates receiving the greatest number of votes is less than one-half of one percent of the total votes cast for that office; the Secretary of State shall file notice with the State Canvassing Board within 5 days of the completion of the state canvass that an automatic recount is required; the Secretary of State shall reimburse counties for the cost of the recount; establishes procedures for recounting and rechecking. Repeals §1-14-17. Effective 5/14/08.

## **Chapter 45**

**\*HB 308**

**NMFA WATER PROJECT FUND PROJECTS (Gonzales).** Authorizes the New Mexico Finance Authority to make loans or grants for a number of water projects, including the following municipal projects: **Angel Fire**: water project, and water conservation and reuse project; **Bloomfield**: water project; **Carlsbad**: water conservation and reuse project; **Clovis**: as fiscal agent for Eastern NM Rural Water Authority for a regional water project; **Española**: water project; **Gallup**: water project; **Hobbs**: water conservation and reuse project; **Hurley**: water project; **Lordsburg**: water conservation and reuse project; **Los Alamos**: flood prevention project and water conservation and treatment project; **Mesilla**: water project; **Raton**: watershed restoration and management project; **Rio Rancho**: water conservation and reuse project and a flood prevention project; **Santa Fe**: water project; **Taos**: water conservation and reuse project and water project; **Tucumcari**: water project. **EMERGENCY CLAUSE.** Effective 2/28/08.

## **Chapter 46**

**\*HB 324**

**CHARITABLE CARE PROPERTY TAX VALUATION (Heaton).** Exempts from property tax by removing from valuation for property taxation purposes certain nonprofit properties operated under the Continuing Care Act, or as nursing homes, adult residential care and related facilities. Applies to taxable years beginning on or after January 1, 2008. **EMERGENCY CLAUSE.** Effective 2/28/08.

## **Chapter 47**

**HB 348**

**UNIFORM EMERGENCY VOLUNTEER PRACTITIONERS ACT (Cervantes).** Enacts the Uniform Emergency Volunteer Health Practitioners Act that applies to volunteer health practitioners who are registered with a registration system authorized by this law and who provide health or veterinary services for a host entity during an emergency declaration; sets conditions that a registration system for the volunteers must meet; a registration system may be operated by a governmental entity; authorizes the Homeland Security and Emergency Management Department to limit, restrict or otherwise regulate the duration of the health care practitioners' practice, areas where they may practice, types of volunteers who may practice, and

other matters necessary to coordinate the provision of services during the emergency. Any “host entity”, defined as an entity operating in this state that uses volunteer health practitioners to respond to an emergency, must coordinate its activities with the Homeland Security Department and comply with any other laws relating to emergency health or veterinary services, including the Emergency Medical Services and All Hazard Emergency Management Acts. Determines the scope of the practice of the health practitioners and authorizes the Homeland Security Department and the host entity to restrict the services that a volunteer may provide. Authorizes the Homeland Security Department to include into the emergency forces volunteer health practitioners who are not officers or employees of the state, political subdivisions, municipalities or other local governments and grants the Department regulatory authority to implement this Act. Entitles the volunteer health practitioners to all rights, privileges and immunities provided by state law. Volunteer practitioners providing services under this Act who are not otherwise eligible for workers’ compensation benefits may elect to be deemed a state employee for purposes of receiving benefits. Effective 7/1/08.

## **Chapter 58**

**\*SB 80**

**STATE ELECTION CODE CHANGES (Morales).** Makes changes to several sections of the State Election Code; county clerks may accept certificates of registration that are mailed and postmarked not less than 28 days prior to any election without regard to being delivered by 5 p.m. on the Friday immediately following the close of registration; eliminates the provision for purging a voter’s name from voter lists for not voting at least once within a four-year period; the Secretary of State, county clerks and boards of registration, in compliance with the federal National Voter Registration Act of 1993, shall remove from the official list of eligible voters those who are ineligible to vote because of a change of residence; Secretary of State is to issue rules for the cancellation of voter registrations in strict compliance with the federal National Voter Registration Act of 1993. Paper ballots used in any election with a federal candidate must be retained for 22 months from the election and those used in an election without a federal candidate must be kept for 45 days after adjournment of the state or county canvassing board, whichever is later; paper ballots used in any election may only be destroyed pursuant to rules promulgated by the State Records Center; the Center is authorized to accept, store and destroy paper ballots used in any election with a federal candidate; at least three days prior to sending the ballots and records to the State Records Center, the county clerk shall notify the county chair of each political party that participated in the election and the chairs or their designees may inspect the boxes prior to their sealing for delivery. The law also sets new procedures for filling a vacancy in the U.S. House of Representatives. **EMERGENCY CLAUSE.** Effective 2/29/08.

## **Chapter 59**

**\*SB 81**

**STATE ELECTION CODE: VOTER IDENTIFICATION (Morales).** Amends §1-1-24 to eliminate the use of voter identification cards as a means of voter identification; requires the voter’s registration address to be included as a means of identification when the voter provides a verbal or written statement; eliminates the last four digits of the voter’s Social Security number on the roster and voter checklist; requires the checklist of voters to be numbered consecutively; the county clerk shall prepare and certify the accuracy of one signature roster and one checklist of voters instead of three; requires the county clerk to prepare an alphabetical list of voters in each precinct, which will be delivered to each precinct board and posted for public use; the voter is required to sign the roster before receiving a ballot and the precinct board member shall mark the checklist of voters as verification; after the polls close, the presiding judge is to deliver the signature roster to the county clerk and mail the checklist to the Secretary of State. Removes the provision for having the voter’s unique identifier on absentee ballot applications and mailing envelopes and requires the voter’s registration address on both; requires an alphabetical list of voters without voters’ address, years of birth, unique identifiers or social security numbers to be

posted at the entrance to each polling place; checklist of voters replaces the precinct voter lists; removes the requirement that a voter's social security number be included on the outer envelope for a provisional paper ballot. **EMERGENCY CLAUSE.** Effective 2/29/08.

**Chapter 64**  
**SB 532**

**MUNICIPAL ZONING SPECIAL EXCEPTIONS (Taylor).** Amends §3-21-8 to authorize a zoning authority to consider special exceptions in addition to variances in zoning appeals; any variance or special exceptions require the goals and policies of a Comprehensive Plan are implemented. Effective 5/14/08.

**Chapter 65**  
**HB 263**

**SHERIFF'S FEES FOR SERVICE OF PROCESS (Rehm).** Amends §4-41-16. Increases the maximum fee paid to sheriffs for serving every writ, citation, order, subpoena or summons from \$30 to \$40. Effective 7/1/08.

**Chapter 67**  
**\*HB 100**

**MV: IGNITION INTERLOCK TAMPERING PENALTIES (Martinez).** Amends §§66-5-503, 504. Clarifies elements of the crime of driving a vehicle that is not equipped with an ignition interlock device when the driver has been issued a device; establishes a new crime for a person who has an ignition interlock device license and who knowingly and deliberately tampers or interferes or causes another person to tamper or interfere with the proper and intended operation of the ignition interlock device; violators are subject to the same penalties as those for driving on a revoked license for DWI or for a violation of the Implied Consent Act (§66-5-39). **EMERGENCY CLAUSE.** Effective 2/29/08.

**Chapter 72**  
**HB 215**

**MV: ELIMINATE COMMERCIAL DRIVER'S LICENSE WAIVERS (Gonzales).** Eliminates the authority for the Motor Vehicle Division Director to waive the requirement of any test for a commercial driver's license applicant; includes those who are required to hold a CDL along with those holding a CDL under the provisions that require disqualification from driving a commercial motor vehicle for violations of the Implied Consent Act and convictions for DWI, leaving the scene of an accident, using a motor vehicle in commission of a felony, driving a commercial vehicle on a revoked license, or causing a fatality in unlawful operation of a motor vehicle. Disqualifies a person from driving a commercial motor vehicle for up to one year if the person is convicted of a first violation of an out-of-service order. Effective 5/14/08.

**Chapter 76**  
**\*CS/HB 145**

**SPORTS & RECREATION FACILITY FINANCING ACT.** Enacts the "Sports and Recreation Facility Financing Act." Authorizes the Village of Angel Fire to impose, by ordinance, a fee not to exceed 2.4% for up to 20 years, subject to referendum, on lodging facilities to pay for design and construction, payments of principal and interest, administration, operation costs and payments into a capital reserve fund for a sports and recreation facility; provides for exemptions from the fee for certain types of properties; actions for enforcement may be brought by the municipality or the vendor; fees shall be collected and administered by the municipality; the ordinance shall provide that the vendor is liable for payment of the fee and for a civil penalty for each occurrence of failure to remit the fee and equal to the greater of 10% of the amount not remitted or \$100; authorizes the municipality to bring an action in district court; the fee constitutes a lien on the vendor's property; specifies the elements the ordinance must contain; the municipality shall report quarterly any expenditure of these funds to the Local Government Division of DFA; authorizes issuance of revenue bonds and refunding bonds. **EMERGENCY CLAUSE.** Effective 2/29/08.

## **Chapter 77**

**\*CS/HB 661**

**PROPERTY TAX VALUATION FACTORS.** Requires the county assessor, when determining market value, to consider any decrease in value that would be realized by the owner in the sale of the property because of the effects of any affordable housing subsidy, covenant or encumbrance imposed pursuant to a federal, state or local affordable housing program that restricts future use of the property or resale price, or would otherwise prohibit the owner from fully benefitting from any enhanced value; a subsidy also includes those imposed by a nonprofit approved by a governmental entity; defines “residential housing” as a building primarily occupied or intended for occupancy as a residence and any real property offered for sale or lease for the construction or location of such a building, and specifically includes manufactured housing, transitional or temporary housing for homeless persons and common health care, kitchen, dining, recreational and other facilities primarily for use by residents of a residential housing project. **EMERGENCY CLAUSE.** Effective 2/29/08.

## **Chapter 80**

**\*CS/SB 333**

**2008 CAPITAL PROJECTS GENERAL OBLIGATION BOND ACT.** Authorizes the issuance of General Obligation Bonds for a variety of projects statewide. A summary of municipal projects may be found at the Municipal League’s web site at [www.nmml.org](http://www.nmml.org) under Summary of Laws. For a complete summary of all projects, go to the New Mexico Legislature’s web site at <http://legis.state.nm.us> and look under Capital Outlay. **EMERGENCY CLAUSE.** Effective 3/3/08.

## **Chapter 83**

**\*FL/SB 352**

**CAPITAL PROJECTS REAUTHORIZATION.** Reauthorizes several capital outlay projects funded by prior Severance Tax Bond issues. A summary of municipal projects may be found at the Municipal League’s web site at [www.nmml.org](http://www.nmml.org) under Summary of Laws. For a complete summary of all projects, go to the New Mexico Legislature’s web site at <http://legis.state.nm.us> and look under Capital Outlay. **EMERGENCY CLAUSE.** Effective 3/3/08.

## **Chapter 85**

**HB 168**

**MV: SPECIAL CITY OF LAS CRUCES LICENSE PLATE (Cote).** Authorizes the Motor Vehicle Division to issue a special motor vehicle license plate for residents of Las Cruces; a fee of \$35 will be charged in addition to the regular registration fee; if a resident moves from Las Cruces, the special plate must be surrendered. Effective 5/14/08.

## **Chapter 91**

**SB 442**

**LIMIT MUNICIPAL FINES AND FEES (Sanchez, M.)** Amends §3-18-17; sets a maximum of \$75 for penalties, fines, fees and costs associated with a violation of a nuisance ordinance for failure to obey a traffic sign or signal, including red light violations, or for a speeding violation; applies to all municipalities, including home-rule municipalities; requires the municipality to set aside each month from the gross total amount of penalties and fines collected an amount to cover contractual costs associated with the operation of the program charged by a vendor providing systems and services that assist the municipality in imposing penalties or fines and costs; the net total amount assessed shall be distributed to the Administrative Office of the Courts and 10 percent shall be credited to DWI drug court programs and 90 percent credited to the New Mexico Finance Authority for deposit into the Metropolitan Court Bond Guarantee Fund; beginning in fiscal year 2009 and every year thereafter, the municipality shall cause an audit of the traffic program to be conducted by the State Auditor or an independent auditor selected by the State Auditor. New material creates the Metropolitan Court Bond Guarantee Fund in the New Mexico Finance Authority as a credit enhancement to the distributions from the Court Facilities Fund in order to repay bonds for the Metropolitan Courthouse in Albuquerque; upon repayment of the

courthouse bonds, the Director of the AOC shall transfer the amounts received to the Traffic Safety Bureau of the Department of Transportation for expenditure on statewide efforts to prevent or reduce incidents of DWI. Effective 7/1/08.

## **Chapter 92 (pv)**

**\*FL/SB 471 SEVERANCE TAX BOND PROJECTS.** Capital Outlay Projects statewide. A summary of municipal projects may be found at the Municipal League's web site at [www.nmml.org](http://www.nmml.org) under Summary of Laws. For a complete summary of all projects, go to the New Mexico Legislature's web site at <http://legis.state.nm.us> and look under Capital Outlay. **EMERGENCY CLAUSE.** Effective 3/5/08. Partial Veto.

## **Chapter 93**

**CS/SB 164 ADDITIONAL LOCAL LIQUOR TAX COUNTIES.** Authorizes a monthly distribution of \$41,500 from the Liquor Excise Tax to be made to Farmington; the distribution is to be used only for the provision of alcohol treatment and rehabilitation services for street inebriants. Effective 7/1/09.

## **RESOLUTIONS AND MEMORIALS OF INTEREST**

**HJM 22 STUDY JAIL OVERCROWDING & RELATED LAW (Swisstack).** Requests the Legislature to recognize the lack of statutory authority provided to county governments to manage effectively county jail populations and directs the appropriate interim committee, in collaboration with the New Mexico Association of Counties, to study current law relating to jail operations; cites that one-half of all inmates in county jails were arrested within municipal boundaries by municipal officers because they were charged with crimes under state law and that municipalities pay counties only a small fraction of inmate costs; a report and recommendations for legislation are due to the 2009 Legislature.

**HM 19 STUDY TRAFFIC OFFENSE ADJUDICATIVE PROCEDURES (Swisstack).** Requests the state to commence a statewide study to examine alternative adjudicatory procedures for traffic offenses and that the appropriate interim committee study current New Mexico law relating to minor traffic offenses; cites that removing criminal penalties from traffic and driving penalties and making them civil offenses could make better use of criminal justice resources without jeopardizing public safety and increasing the jail population; the committee is to report its findings and make recommendations for legislation prior to the 2009 Legislature.

**HM 22 TRAFFIC OFFENSE DECRIMINALIZATION TASK FORCE (Maestas).** Requests the Administrative Office of the Courts to convene a task force to study the feasibility of and procedure for decriminalizing traffic offenses and recasting traffic violations as civil infractions; the task force will consist of representatives from the New Mexico Association of Counties, New Mexico Municipal League, Public Defender Department, District Attorneys Association, and the Motor Vehicle Division. A report with recommendations is due to the appropriate interim legislative committee by November, 2008.

**HM 28 GOVERNOR'S AUTO THEFT TASK FORCE (Rehm).** Requests the Governor to convene a task force to study the feasibility of creating a state authority to combat the problem of automobile theft in New Mexico; members will include: the Attorney General, Secretary of Public Safety, and Motor Vehicle Division Director, or their designees; representatives of local law enforcement agencies, including metro and rural areas; a representative from the

Administrative Office of the District Attorneys; and representatives from the auto insurance industry. The work of the task force will include review of auto theft prevention authorities and programs in other states and a review of cost estimates for creation and operation of such an authority. The report of findings and recommendations is due to the Courts, Corrections, Corrections and Justice Committee by November 1, 2008.

**HM 29 SUPPORT EMPLOYEE FREE CHOICE ACT (Lujan, B).** Urges the New Mexico Congressional delegation to support the Employee Free Choice Act which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily signs authorization cards designating that union to represent them. Supports first-contract mediation and arbitration and the establishment of meaningful penalties for violations of a worker's freedom to choose a union.

**CS/HM 32 SUPPORT SANTA FE REGIONAL TELECOMMUNICATIONS COALITION.** Requests the Secretary of Information Technology to work with the Santa Fe Regional Telecommunications Coalition and that the Governor's science and technology advisor work with the Coalition to arrange for the installation of a gateway to the New Mexico Computing Applications Center at the Santa Fe Community College as a connection to the New Mexico Lambda Rail for the region; the Coalition was created to organize primary telecommunications bandwidth users in the Santa Fe region with participation from the City of Santa Fe, Santa Fe County, the Community College and UNM-New Mexico Lambda Rail; cites the Coalition as a model for regional telecommunications infrastructure initiatives that can be adopted by other regions, municipalities and counties.

**HM 40 STUDY EFFECT OF EPA CLEAN WATER STANDARDS (Swisstack).** Requests the appropriate legislative interim committee to assess the effect of the U.S. Environmental Protection Agency's new clean water standards on New Mexico's capital expenditures for prevention of pollutants and management of illicit discharges into New Mexico's water systems. A report of the committee's findings and recommendations is due to the New Mexico Legislative Council by January 1, 2009.

**HM 41 STUDY VALUATION OF UNIMPROVED PROPERTY (Youngberg).** Requests the appropriate legislative interim committee to review the policies and implications associated with capping increases in the assessed valuation of vacant property similarly to the caps on residential property; the report of the committee's findings and recommendations is due to the 2009 Legislature.

**HM 42 LOVINGTON CENTENNIAL CELEBRATION (Tyler).** Requests the House of Representatives to join with Lovington residents to celebrate 100 years as a community; urges the state to take pride in the ongoing growth, development and contributions of this City.

**HM 45 STUDY OF RELOCATION OF UTILITIES IN RIGHTS OF WAY (Silva).** Requests utility companies, the Department of Transportation, the New Mexico Municipal League and Association of Counties, local governments, tribal governments and other public jurisdictions to complete a study to develop options and recommendations to facilitate timely relocation of utility facilities located within public rights of way that would be mutually beneficial to public agencies and utilities in minimizing costs, disruption of services and project delays in highway construction activities.

**HM 53 STUDY AUTO THEFT IN NEW MEXICO (Rehm).** Requests the Secretary of Public Safety and the Motor Vehicle Division Director to assemble a task force to conduct a comprehensive

study of the auto theft problem in New Mexico; the study will include the dismantling of vehicles for their components, illegal exporting of stolen vehicles and changing of ID numbers to sell them; and, examining current title laws and procedures. The task force will include representatives from local law enforcement agencies, motor vehicle insurance providers, the Attorney General's office, District Attorneys' Association and other relevant parties. Recommendations are due to the appropriate interim legislative committee no later than November 1, 2008.

**HM 67 SANTA FE 400<sup>TH</sup> ANNIVERSARY DAY (Lujan, B.)** Declares February 10, 2008 as Santa Fe 400<sup>th</sup> Anniversary Day at the House of Representatives and commemorates the more than 400-year anniversary of the settlement and founding of La Villa Real de la Santa Fe de San Francisco de Asis, 1607-1610.

**HM 68 SPRING DITCH WATER RIGHTS IMPAIRMENT (Lujan, B.)** Cites that the Town of Taos has approved developments resulting in construction on the Spring Ditch's water source and point of diversion; requests the State Engineer to investigate impairment of historical water rights of the Spring Ditch by the Town of Taos and take any appropriate action to guarantee delivery of water to ditch parciantes.

**CS/HR 1 LEGISLATIVE BILL PRE-FILING.** Enacts a new rule of the House of Representatives regarding pre-filing of legislation; bills may be pre-filed by a House member between December 15 and the Friday before a regular session begins; bills are numbered in the order they are received by the Chief Clerk beginning with number 10 to allow for the legislative budget bill, the general appropriations bill and other bills the Speaker of the House determines are appropriate; pre-filed bills shall be introduced and referred to committee on the first day of the session and are available to the public.

**SJR 4 CA: SCHOOL ELECTIONS WITH OTHER ELECTIONS (Sanchez, M.)** Proposes to amend Article 7, Section 1 of the New Mexico Constitution to allow school elections to be held at the same time as non-partisan elections.

**CS/SJR 12 LAND TRANSFER TO TOWN OF TAOS.** A private non-profit currently provides alcoholism counseling and detoxification services in a state-owned facility that occupies approximately two acres of land in Taos County; the Legislature grants the Property Control Division the authority to transfer the facility and land to the Town of Taos provided that the Town of Taos bears the expenses incurred to survey, partition and transfer the property; the Town of Taos agrees to accept the rehabilitative service provided by the program in lieu of rent; requires review by the Capitol Buildings Planning Commission prior to the transfer.

**SJM 34 STUDY STATEWIDE JAIL OVERCROWDING (Lopez).** States that the Legislature lacks statutory authority provided to county governments to effectively manage county jail populations; requests the Legislature to direct the appropriate interim committee, in collaboration with the New Mexico Association of Counties, to study current law relating to jail operations and report its findings to the 2009 Legislature. States that ½ of inmates housed in county jails were arrested within municipalities by municipal officers but are charged under state statutes, therefore relieving municipalities from paying the full cost of housing those prisoners.

**SJM 40 OFF-ROAD VEHICLE USE (Feldman).** Requests the Energy, Minerals and Natural Resources Department, the Tourism Department, the New Mexico Department of Agriculture and the Department of Game and Fish to cooperate with other state agencies to conduct a study and recommend actions to resolve user conflicts, prevent future resource damage and provide

greater safety protections for motorized recreation users; requests the study include a compilation and summary of studies done in other states whose data and recommendations are applicable to New Mexico; the study is to identify enforcement, monitoring, restoration, instructional and information needs, cost-benefit comparisons of motorized and non-motorized recreationists and an inventory of private, federal and state off-road vehicle parks in New Mexico. The study is also to include recommendations concerning public access to statistical data on off-road vehicle accidents, including the locations, types of injuries, incidents of broken laws and whether protective gear was worn at the time of the injury; results of the study are to be presented to the Governor and Legislature by December 31, 2008.

**SJM 44 VOLUNTEER FIREFIGHTER RETIREMENT ACT STUDY (Nava).** Requests the Public Employees' Retirement Association, the State Fire Marshal's office, the State Volunteer Firefighter Association, the Fire Service Council, the New Mexico Municipal League and the New Mexico Association of Counties report to the appropriate interim committee by June 1, 2008 to propose amendments to the Volunteer Firefighters Retirement Act.

**SM 24 TRAFFIC OFFENSES ALTERNATIVE ADJUDICATIONS (Lopez).** Requests the state commence a statewide study to examine alternative adjudicatory procedures for traffic offenses and that the appropriate interim committee study current New Mexico law relating to minor traffic offenses; the committee is to report its findings and make recommendations for legislation prior to the 2009 Legislature.

**SM 53 INTERIM REGULATORY AND ADMINISTRATIVE LAW COMMITTEE (Sanchez, B.)** The Senate resolves that an interim Regulatory Process and Administrative Law Committee be created; the Committee is to study the concerns about the regulatory process, review the proposed model administrative procedures act, identify specific areas of reform, make findings and endorse any necessary legislation to improve administrative procedures on rulemaking and adjudication and ensure agencies carry out the mandate of the legislature; committee is to have 10 members.

**SM 55 INTELLIGENT TRANSPORTATION SYSTEM PLANNING COMMITTEE (Campos).** Requests the Governor to create a planning committee on intelligent transportation systems to evaluate the progress of those systems in New Mexico and to make recommendations on strategies to support the continued development and maintenance of those systems at the state and local levels.

**Vetoed Legislation**  
**48<sup>th</sup> Legislature, Second Session 2008**

*CS/HB 43	SEVERANCE TAX BOND PROJECTS	Veto
HB 180	MANNY HERRERA ACCESS TO HEALTHY FOODS ACT (Moore)	Veto
HB 193	CREATE PUBLIC DEFENDER COMMISSION (Park)	Veto
HB 221	ALLOW ELECTRONIC VOTING SYSTEM NEGOTIATIONS (King)	Veto
*SB 6	REVISE COUNTY CLASSIFICATIONS (Komadina)	Pocket Veto
SB 13	LEGISLATIVE PARKING EXPENSE REIMBURSEMENT (Rawson)	Pocket Veto
SB 149	MUNICIPAL HIGHER ED FACILITY TAX ELIGIBILITY (Komadina)	Pocket Veto
SB 256	ABSENTEE VOTING IN SMALL PRECINCTS (Duran)	Pocket Veto
SB 298	GROSS RECEIPTS TO STATE BUILDING BONDING FUND (Ingle)	Pocket Veto
SB 349	VETERANS MUSEUM ACT (Rawson)	Veto
SB 355	RAISE PROPERTY TAX LIMITATION INCOME LIMIT (Ryan)	Pocket Veto
SB 366	SELF-RESCUE DEVICES IN COAL MINES (Cisneros)	Pocket Veto
CS/SB 487	ABANDONED URANIUM MINE RECLAMATION FEES	Veto
SB 509	CAPITOL BUILDINGS LEASE-PURCHASE APPROVAL (Ingle)	Pocket Veto