



**Summary of
2006 LAWS
of Interest to
Municipalities**

May, 2006

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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 17 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
May, 2006*

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2006 NEW MEXICO LAWS Of Interest to Municipalities

Chapter 15 HB 473

REGIONAL SPACEPORT DISTRICT ACT (Nunez). Enacts the “Regional Spaceport District Act”. Purposes include: to serve the public by developing a Southwest Regional Spaceport; allow multi-jurisdictional cooperation and promotion of the Spaceport, and foster tourism in the cities and counties comprising the district. Authorizes two or more governmental units to create a regional spaceport district by contract. A “governmental unit” is the state, county, municipality, or Indian entity located within the state. The district would become a political subdivision of the state; establishes procedures for creating the district; creates a board to set policy and adopt by-laws for the district; the board is composed of at least one director from each governmental unit that is a member of the district; after creation of a district, the board may include property within or exclude property from the boundaries of the district; notice of the proposed district must be published in a newspaper of general circulation, stating that a public hearing will be held and that persons having objections to the inclusion or exclusion may appear at the public hearing. The board, upon affirmative vote of two-thirds of the directors, may adopt a resolution including or excluding all or a portion of the property described in the notice; the board’s final resolution must be filed with the Spaceport Authority and recorded in the real estate records of each county included in the district boundaries. The district may enter into contracts with the Authority and the Authority may issue bonds under the Spaceport Development Act for the purpose of financing the planning, design, engineering and construction of the regional spaceport or spaceport-related project. The board shall employ the State Investment Council to invest the funds derived from bond sales; a district has no direct taxing authority. After creation of a district, a governmental unit adjacent to but not part of that district may join and determine the territorial area to become a part of that district; a two-thirds affirmative vote by the board shall be required before the governmental unit may join the district; each governmental unit that is a county or municipality and a voting member shall have enacted a Municipal Regional Spaceport gross receipts tax or a County Regional Spaceport gross receipts tax before December 31, 2008 at a rate not to exceed one-half percent, but each incremental tax imposed cannot be less than 1/16th percent; at least 75% of the gross receipts taxes received by each governmental unit must be used by the district to develop the spaceport; no more than 25% of the tax revenues may be used by the governmental unit for space-port related projects. The tax would not go into effect until approved by the voters. Amends §58-31-5 of the Spaceport Development Act to allow the Spaceport Authority to enter into contracts with the Regional Spaceport Districts and issue bonds on their behalf for the purpose of financing the purchase, construction, renovation, equipping or furnishing of a regional spaceport or a spaceport-related project; amends §58-31-17 to provide that all proceeds from issuing revenue bonds shall be placed in such funds as shall be established in the resolution of the Authority authorizing the issuance of the bonds. Effective 5/17/06.

Chapter 16 HB 211

PSEUDOEPHEDRINE AS A CONTROLLED SUBSTANCE (Heaton). Amends §§30-31-3 & 10. Includes pseudoephedrine as a Schedule V controlled substance and allows only licensed pharmacists, interns or registered pharmacy technicians to dispense, sell or distribute the substance. Unless pursuant to a valid prescription, a person purchasing, receiving or otherwise acquiring the compound shall: (1) produce a driver’s license or other government-issued photo ID showing the person’s birth date; (2) sign a written log; and, (3) be limited to no more than nine grams of any product within a 30-day period. The Board of Pharmacy may, by rule, exempt a product containing pseudoephedrine from Schedule V if it is determined the product is formulated as to effectively prevent the conversion to methamphetamine; the Board shall monitor prices charged for pseudoephedrine and may adopt rules to prevent unwarranted price increases as a result of compliance with this law. Effective 7/1/06.

Chapter 17
HB 179

METHAMPHETAMINE TRAFFICKING PENALTIES (Cervantes). Amends §30-31-2, 20 & 22. Expands the definition of a Drug-Free School Zone to include private and parochial schools in addition to public schools; removes the previous exclusion for private property residentially zoned or used primarily as a residence within a drug-free school zone. Includes methamphetamine and its salts and isomers under the felony offenses of trafficking of controlled substances, which include distribution and sale, and possession with intent to distribute; also adds methamphetamine or its counterfeits to the felony drug offenses of intentional distribution and possession with intent to distribute in a drug-free school zone. Effective 7/1/06.

Chapter 20
***HB 122**

CHANGE INTERLOCK DEVICE FUND ADMINISTRATION (Martinez). Amends §66-8-102.3. Transfers the administration of the Interlock Device Fund from the Local Government Division to the Traffic Safety Bureau; prohibits the ignition interlock device fee from being imposed on an indigent person. **EMERGENCY CLAUSE.** Effective 3/2/06.

Chapter 23
***HB 532**

PROCUREMENT: ELECTRONIC BID SUBMISSION (Lujan, B). Amends §§13-1-95.1, 103, 107 & 112. Authorizes a central purchasing office to require all or any part of a sealed bid or a competitive sealed proposal to be submitted electronically if it is determined that it will be advantageous to the procurement process. If electronic submission is required: 1) no hard copy documentation shall be submitted, unless specifically identified in the bid or proposal; 2) the invitation for bid or request for proposals shall specify an opening date and time, a fixed closing date and time, and an email account or other secure electronic location to which the bid or proposal shall be submitted; 3) sealed bids submitted electronically shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids; the bid amount and each bid item, if appropriate, and any other relevant information as specified, along with the name of each bidder, shall be recorded, and the record and each bid shall be open to public inspection; 4) for sealed proposals, they shall be opened, evaluated and the contract awarded as required in the Procurement Code. If the procurement is by sealed bid without electronic submission, the invitation for bids shall include the location where bids are to be received and the date, time and place of the bid opening; if part or all of a bid is to be submitted electronically, the invitation for bids must comply with the above requirements. **EMERGENCY CLAUSE.** Effective 3/2/06.

Chapter 27
HB 743

CRIME OF ASSAULT ON A HEALTH CARE WORKER (Cervantes). Establishes a new misdemeanor crime of assault upon a health-care worker during the lawful discharge of their duties; aggravated assault is a 3rd degree felony and is defined as assaulting or striking a health-care worker with a weapon or willfully and intentionally assaulting with intent to commit any felony; assault with intent to commit a violent felony is a 2nd degree felony. Makes battery on a health care worker a 4th degree felony; aggravated battery not likely to cause death or great bodily harm is a 4th degree felony; and aggravated battery inflicting great bodily harm or with a deadly weapon, or in any manner whereby great bodily harm or death can be inflicted, is a 3rd degree felony. Effective 5/17/06.

Chapter 28
HB 543

MUNICIPAL COURT AUTOMATION FUND USES (Martinez). Amends §34-9-12 & 35-14-11. Expands the uses of the Municipal Court Automation Fund to include operating expenses, which are defined as staff expenses, temporary or otherwise, and costs as needed to comply with data entry into the central repository for DWI convictions. Effective 5/17/06.

Chapter 29
HB 80

EQUITABLE SENTENCING SCHEDULE (Balderas). Revises numerous Criminal Code sections pertaining to crimes such as fraud, larceny, forgery, receiving stolen property,

shoplifting, and fraudulent use of a credit card by changing the elements and increasing the monetary thresholds at which the various penalties apply. Effective 7/1/06.

Chapter 30
***HB 401**

LAW ENFORCEMENT CITIZENSHIP REQUIREMENTS (Cervantes). Amends §§4-41-10 & 29-1-9. Removes the requirement that peace officers in New Mexico must be citizens of this state but clarifies they still must be U.S. citizens. **EMERGENCY CLAUSE.** Effective 3/2/06.

Chapter 31
HB 541

CRIME OF ESCAPE FROM TREATMENT FACILITY (Martinez). Establishes a new misdemeanor crime of “escape from a secure residential treatment facility” defined as a person escaping from the facility who has been lawfully committed for a criminal offense; a “secure residential treatment facility” is a facility not located within a correctional facility or detention center in which residents are being treated for substance abuse problems, and personnel and physical barriers prevent the residents from leaving. Effective 5/17/06.

Chapter 34
***HB 639**

DEPARTMENT OF TRANSPORTATION LAND DEVELOPMENT (Wirth). Provides authority and conditions for disposition and development of Department of Transportation land in certain situations; requires the DOT to adopt a rule providing a procedure to involve residents of the municipality or county in which commercial enterprises or activities are proposed to occur in the DOT’s planning and decision-making process; the DOT shall not use the power of eminent domain to acquire land to be developed or operated by a private entity. If commercial enterprises or activities are to be developed or operated by a private entity, the DOT shall direct the private entity: to create plans not necessarily in compliance but generally compatible with local zoning and land use policies, including architectural standards, if any; to the extent the private entity will obtain water or other services from a local authority, negotiate an agreement for those services with terms no more stringent than the local authority’s. Plans must be submitted to the local zoning authority which will make recommendations in writing; no action shall be taken until the DOT, Commission and private entity have received the recommendations or a 30-day comment period has passed, although a local authority’s approval is not required; authorizes the DOT to lease a 25-acre site at 1120 Cerrillos Road, in Santa Fe, for the construction and operation of a transit oriented development; the development plan includes the design and construction of a new facility; to the extent the project obtains water or other services from the City, the terms and conditions of the use of those services shall be no more stringent than the City’s current laws. **EMERGENCY CLAUSE.** Effective 3/2/06.

Chapter 35
HB 8

GRT DEDUCTION: HEALTH FACILITY CONSTRUCTION (Campos). Provides for deductions from gross receipts for the sale of engineering, architectural and construction services, construction equipment and materials used in the new construction of a sole community provider hospital located in a federally designated health professional shortage area, if the sale is made to a foundation or a nonprofit organization that: has entered into a written agreement with a county to pay at least 95% of the costs of new facility construction; and, delivers an NTTCA or other acceptable evidence. Effective 7/1/06.

Chapter 36
HB 325

GRT DEDUCTION: COUNSELOR & THERAPIST PAYMENT (Varela). Includes licensed mental health counselors, marriage and family therapists and professional art therapists who have obtained a Master’s degree or doctorate and independent licensed social workers in the definition of “health care practitioner” for purposes of the allowed gross receipts tax deduction for receipts from payments by a managed health care provider or health care insurer for commercial contract services or Medicare Part C services. Effective 7/1/06.

Chapter 39
HB 583

GRT: PROPERTY SALES INCLUDED IN GROSS RECEIPTS (Wirth). Removes the granting of a license to use property from being determined as a sale of property; clarifies that gross receipts is from the sale of property located in New Mexico, not sale of property in New Mexico; receipts from licensing property employed in New Mexico is included in the definition of gross receipts; removes patents, trademarks and copyrights from the definition of "property." Effective 7/1/06.

Chapter 40
HB 613

TAX DEPARTMENT DEBT COLLECTION CONTRACT SERVICES (Whitaker). Enacts one new section of the Taxation and Revenue Department Act. Authorizes the Department, by competitive bid, to select collection agencies to collect taxes that are at least 120 days past due to the state or a political subdivision; the Department retains authority to settle an obligation or to accept payments on an obligation. Effective 5/17/06.

Chapter 41
***HB 683**

WATER PROJECT FINANCE AUTHORIZATION (Stell). Authorizes the New Mexico Finance Authority to make loans or grants from the Water Project Fund for the following municipal water projects: **Bloomfield** – water project; **Carlsbad** – water project; **Columbus** – water distribution project; **Elephant Butte** – wastewater treatment and collection project; **Las Vegas** – water distribution project; **Lordsburg** – water project; **Los Alamos** – water project; **Santa Fe Sangre de Cristo Water Division** – water distribution project; and, **Taos** – wastewater treatment project. **EMERGENCY CLAUSE.** Effective 3/2/06.

Chapter 42
HB 792

INTERSTATE WATER PROJECT FINANCING (Cheney). Amends §72-4A-6. Authorizes the New Mexico Finance Authority to provide for funding for qualifying water projects per the Water Project Finance Act for interstate projects that directly benefit New Mexico. Effective 5/17/06.

Chapter 43
SB 295

STATE ELECTION CODE: PAPER BALLOT VOTING (Lopez). Amends the State Election Code to require that all voting systems shall use a ballot on which the voter physically or electronically marks the voter's choices on the ballot itself; systems owned or used by a county on May 1, 2006 that do not use a paper ballot may be used until an adequate supply of voting systems is available and sufficient federal, state or local funds are available to: 1) replace the voting systems; 2) acquire the necessary software; 3) enable the Secretary of State to purchase paper ballot systems for all counties for primary and general elections; and 4) hold counties harmless for payments due for voting systems under existing lease-purchase agreements for other voting systems; no voting system shall be used until it is certified by the Secretary of State and purchased pursuant to the Procurement Code. Effective 5/17/06.

Chapter 48
SB 444

MV: INCREASE ILLEGAL DISABLED PARKING PENALTIES (Griego). Amends §66-7-352.5, .6, 66-8-116. Increases the fine range for parking illegally in a disabled parking space from between \$100-\$300 to \$250-\$500; authorizes state educational institutions to cite for these violations; deletes a state penalty assessment formerly allowed for the violation. Effective 5/17/06.

Chapter 51
CS/SB 9

JET FUEL GROSS RECEIPTS TAX DEDUCTION. Extends the time period in which 55 percent of the receipts from the sale of fuel used in turboprop or jet-type engines may be deducted from gross receipts tax from June 30, 2007 until June 30, 2012. Effective 7/1/06.

Chapter 61
HB 23

AIR QUALITY CONTROL ACT: Compliance Order Non-Compliance Penalties (Wirth). Amends §§74-2-12, 12.1. Provides that if a person fails to comply with an administrative order, action may be initiated to suspend or revoke the permit, or portion violated, or commence civil action to enforce the order, or to suspend or revoke the permit, or both; civil action may also be filed to collect for non-payment of civil penalties; provides for a civil penalty of not more than \$25,000 per day of noncompliance with an administrative order. Effective 5/17/06

Chapter 62
HB 494

VOLUNTARY REMEDIATION ACT AMENDMENTS (Gutierrez). Enacts a new section of the “Voluntary Remediation Act” to create the “brownfields cleanup revolving loan fund”; the fund is comprised of money from a grant from the Environmental Protection Agency and repayments of loans and interest and income accruing on the fund; loans or grants may be used to finance remedial actions and other approved activities at abandoned or underused industrial, commercial or agricultural sites or on abandoned or underused residential property; loans or grants may be made from the fund to political subdivisions, tribes, nonprofit organizations and private entities eligible for cleanup activities according to criteria established by EPA’s brownfields program. Effective 7/1/06.

Chapter 63
***HB 233**

NMFA: PUBLIC PROJECT REVOLVING FUND PROJECTS (Varela). Authorizes the New Mexico Finance Authority to make loans for the following municipal projects: **Alamogordo:** equipment, building, refinancing and infrastructure; **Albuquerque:** equipment, building, refinancing and infrastructure; **Albuquerque-Bernalillo Water Utility Authority:** equipment, building, infrastructure, refinancing, water and wastewater; **Aztec:** equipment, building, refinancing and infrastructure; **Bayard:** equipment, building, refinancing, land purchase and infrastructure; **Bernalillo:** equipment, building, refinancing, land purchase and infrastructure; **Bloomfield:** equipment, building, infrastructure and refinancing; **Causey:** equipment, building, refinancing and infrastructure; **Clayton:** equipment, building, infrastructure, road, solid waste, water, wastewater and refinancing; **Clovis:** equipment, building, infrastructure, road, water, wastewater and refinancing; **Deming:** equipment, building, infrastructure, water and wastewater; **Dora:** equipment, building, infrastructure, water and refinancing; **Edgewood:** equipment, building, infrastructure and refinancing; **Elida:** equipment, building, infrastructure, water and wastewater; **Espanola:** equipment, building, infrastructure, land purchase and refinancing; **Eunice:** equipment, building, infrastructure, road, water, wastewater, solid waste and refinancing; **Floyd:** equipment, building, infrastructure, water and refinancing; **Folsom:** equipment, building, infrastructure, water, wastewater and refinancing; **Fort Sumner:** equipment, building, infrastructure, road, water, wastewater and refinancing; **Grady:** equipment, building, infrastructure, water and refinancing; **Hurley:** equipment, building, infrastructure and refinancing; **Las Vegas:** equipment, building, infrastructure and refinancing; **Logan:** building, equipment, infrastructure, land purchase, water, wastewater and refinancing; **Lordsburg:** building, equipment, infrastructure and refinancing; **Los Alamos:** equipment, building, infrastructure and refinancing; **Lovington:** equipment, building, infrastructure, road, water, wastewater and refinancing; **Milan:** equipment, building, infrastructure, land purchase and refinancing; **Melrose:** building, equipment, building, refinancing and infrastructure; **Moriarty:** equipment, building, infrastructure and refinancing; **Mosquero:** building, equipment, infrastructure, road, water and wastewater; **Pecos:** equipment, building, infrastructure and refinancing; **Portales:** building, equipment, infrastructure, road, water wastewater and refinancing; **Raton:** equipment, building, infrastructure and refinancing; **Rio Rancho:** equipment, building, infrastructure and refinancing; **University of New Mexico, Sandoval County or the City of Rio Rancho or any combination thereof:** land acquisition, equipment, building, infrastructure and refinancing; **Roy:** equipment, building, infrastructure, road, water, wastewater and refinancing; **Ruidoso:** equipment, building, infrastructure, road, water, wastewater and refinancing; **Ruidoso Downs:** equipment, building, infrastructure, road, water, wastewater and refinancing; **San Jon:** equipment, building, infrastructure, water,

wastewater and refinancing; **Santa Clara:** building, equipment, infrastructure and refinancing; **Santa Fe:** building, equipment, infrastructure, road, water, wastewater and refinancing; **Santa Rosa:** equipment, building, infrastructure, water, wastewater and refinancing; **Silver City:** equipment, building, infrastructure, water, wastewater and refinancing; **Socorro:** equipment, building, infrastructure, road and refinancing; **Texico:** building, equipment, infrastructure, water rights, water, wastewater and refinancing; **T or C:** building, equipment, infrastructure and refinancing; **Tucumcari:** equipment, building, infrastructure, water, wastewater, solid waste and refinancing; equipment, building, infrastructure, water and refinancing [amendment added without striking original language] **Vaughn:** equipment, building, infrastructure and refinancing. EMERGENCY CLAUSE. Effective 3/6/06.

Chapter 68
HB 228

CREATE JUNETEENTH FREEDOM DAY (Stapleton). Creates an annual Juneteenth Freedom Day on the third Saturday in June to reflect on the history of slavery, the importance of the 13th Amendment abolishing slavery, the significance of June 19, 1865 when the message of freedom and abolition reached the western states, and the importance of Americans of African descent as American citizens and New Mexico residents. Effective 5/17/06.

Chapter 72
HB 109

GRT DEDUCTION: MILITARY ACQUISITION PROGRAM (Campos). Amends §7-9-94. Extends the current gross receipts tax deduction for receipts from transformational acquisition programs performing research and development, test and evaluation for the Department of Defense to June 30, 2016. Effective 5/17/06.

Chapter 75
***CS/HB 462**

TAX INCREMENT FOR DEVELOPMENT ACT. Enacts the Tax Increment for Development Act. The Act creates a mechanism for providing gross receipts tax financing and property tax financing for public infrastructure for the purpose of supporting economic development and job creation. Allows municipalities and counties to form tax-increment development districts, either initiated by the governing body or by at least 50% of the property owners within a proposed tax increment development area; requires a tax increment development plan prior to forming a district; a tax increment is the difference between the current property tax values and gross receipts tax values and the expected property and gross receipts tax values after development. The increments are used to finance bonds to build infrastructure within the created districts; the governing body must adopt a resolution with certain requirements and findings in order to form a district; a district shall be governed by a board consisting of either the governing body of a municipality or county, or a five-member board appointed by the governing body; authorizes a property tax of up to 5 mills to be levied by the district upon authorization by a majority of votes cast by the property owners and qualified resident electors of a district; the property tax is only effective for four years and may be rescinded within the four-year period by petition by the persons who voted in the election to levy the tax; sets requirements for holding an election to form a district, elect district board members, levy property tax, use property tax increment financing, or issue property tax increment bonds; an election may be waived if a petition to form a district is signed by all owners of the property within the proposed development area and states the owners waive the right to an election; a tax increment development district shall be a political subdivision of the state, separate and apart from a municipality or county; sets the powers of a district which include issuing gross receipts tax revenue bonds, levying property tax and securing property tax increment bonds; a district shall not have power of eminent domain for any purpose; a casino shall not be located within any district and proceeds from property tax or GRT increment bonds may not be used to finance public improvements for a casino; any bonds issued against a gross receipts tax increment attributable to imposition of the state GRT within a district must be reviewed by the New Mexico Finance Authority and must be specifically authorized by law; income from bonds issued is exempt from taxation by the state or political subdivisions; sets

procedures to modify a tax increment development area boundary or a tax increment development plan, and to terminate a district. EMERGENCY CLAUSE. Effective 3/6/06.

Chapter 76
HB 520

MV: SPECIAL PATRIOT LICENSE PLATES (Sandoval). Enacts a new section of the Motor Vehicle Code to authorize issuance of a special patriot license plate with a logo indicating the recipient is a patriot; imposes a fee of \$25 in addition to the regular registration fee, \$8 of which goes to the Armed Forces Veterans License Fund. Effective 5/17/06.

Chapter 77
HB 633

PECOS RIVER BASIN LAND MANAGEMENT FUND (Stell). Creates the “Pecos River Basin Land Management Fund” to be used by the Interstate Stream Commission to manage land purchases pursuant to the Pecos River Compact and to manage augmentation well fields in the lower Pecos River basin. Effective 5/17/06.

Chapter 79
HB 577

CRIME OF UNLAWFUL AUDIOVISUAL RECORDING (Lujan, B). Makes it a misdemeanor to knowingly operate an audiovisual recording device to record or transmit a motion picture in a theater without the consent of the theater owner or manager; provides for civil immunity for a theater owner, manager or lessee who alerts law enforcement and is acting in good faith in detaining a person alleged to have operated the device, unless the plaintiff can show by a preponderance of the evidence that the detention measures were unreasonable or the period of detention was unreasonably long. Provides an exemption for law enforcement personnel who operate a recording device as part of a lawfully authorized investigation. Effective 7/1/06.

Chapter 81
SB 344

PROCUREMENT: CONTRIBUTIONS BY PROCUREMENT CONTRACTORS (Feldman). Requires a prospective contractor to disclose all campaign contributions given by the prospective contractor, a family member or a representative of the prospective contractor to an applicable public official of a state agency or local public body during the two years prior to the date on which a proposal is submitted, or in the case of a sole source or small purchase contract, the two years prior to the date on which the contractor signs the contract, if the aggregate total of contributions exceeds \$250; “applicable public official” is an elected or appointed official who has the authority to award or influence the award of a contract for which a contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract; the disclosure is to be made on a form developed by the Department of Finance and Administration and distributed to all state agencies and local public bodies; the form is to be filed with the agency or local public body as part of a competitive sealed proposal or a sole source contract; requires a prospective contractor who has not made any contributions to make a statement that no contribution was made by the contractor, a family member or representative of the contractor; no campaign contribution or anything of value may be given by a potential contractor, family member or representative during the pendency of the procurement process or negotiation period; a solicitation or proposed award shall be canceled if the contractor fails to submit the disclosure statement or gives a contribution or anything of value during the procurement process. A family member is defined as a spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law; a representative is an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor. Effective 5/17/06.

Chapter 97
***HB 219**

INTRASTATE MUTUAL AID ACT (Heaton). Enacts 10 new sections. Establishes an intrastate mutual aid system to support requesting aid for and responding to defined local emergencies and disasters; member jurisdictions of the system are the state, political subdivisions (municipalities and counties) and Indian nations, tribes or pueblos that choose to

participate by resolution; creates an Intrastate Mutual Aid Committee of eleven members appointed by the Governor, including: a representative from D.P.S.; the Homeland Security Advisor; representatives from emergency management and response disciplines, political subdivisions, and participating Indian entities. Prescribes the duties of the Committee, including adoption of comprehensive guidelines that include projected costs of establishing the system and procedures for reimbursing the actual expenses of a member jurisdiction that responds to a request for aid through the system. Member jurisdictions may elect not to participate or withdraw from the system which does not preclude members from entering into any other agreements; requests for aid may be made to prevent, mitigate, respond to or recover from an emergency or disaster or in concert with drills or exercises between member jurisdictions; personnel of the responding member jurisdiction are under the command and control of the responding member jurisdiction for purposes including medical protocols and SOPs, and under the operational control of the jurisdiction receiving the aid; a requesting jurisdiction shall reimburse, to the extent permitted by law, each responding jurisdiction, unless the responding jurisdiction donates the cost of the aid; sets procedures to resolve any disputes over reimbursement. Injured employees of a responding jurisdiction are covered by the employee's agency; for all other liability purposes, the person from the responding agency is considered to be an employee of the requesting member's agency. **EMERGENCY CLAUSE.** Effective 3/7/06.

Chapter 98
HB 240

VOLUNTEER EMERGENCY RESPONDER JOB TERMINATION (Stapleton). Enacts the "Volunteer Emergency Responder Job Protection Act". Provides that an employee shall not be terminated, demoted or in any other manner discriminated against because the employee, when serving as a volunteer emergency responder, is absent from his place of employment in order to respond to an emergency or disaster; "emergency or disaster" is an event so declared by the Governor or President of the United States; the Act does not apply if the employee, while acting as a volunteer responder, is absent from the place of employment for a period of more than 10 business days in a calendar year; requires employees to make reasonable effort to notify the employer of the service and shall continue to make those reasonable notification efforts over the course of the absence; the employer may request written verification from the Office of Emergency Management or a state or local official managing an emergency or disaster of the dates and time the employee served as a volunteer emergency responder; allows an employer to charge against a volunteer's regular pay for time absent; authorizes employees who are terminated, demoted or in any other manner discriminated against in violation of this Act to bring a cause of action within one year seeking reinstatement, payment of back wages, or reinstatement of fringe benefits or seniority rights where seniority rights are granted. Effective 5/17/06.

Chapter 100
HB 410

HAZARDOUS WASTE VOLUNTARY FEE AGREEMENTS (Heaton). Amends §74-4-4.2 & 4.5. Authorizes the Environment Department and a business generating hazardous waste, conducting permitted hazardous waste management activities, or seeking a permit to enter into a voluntary fee agreement in lieu of some or all of the fees required by the fee schedule. Effective 7/1/06.

Chapter 103
HB 497

FIRE PROTECTION FUND DISTRIBUTION INCREASE (Rodella). Increases the municipal and county annual Fire Protection Fund distributions by 20% over the 2005-2006 distribution. Previously 50% of the annual increase in the Fire Protection Fund was distributed to municipal and county departments; this distribution is raised to 100% of the annual increase in the Fund. Establishes a grant fund for municipal and county departments; however, the incremental increase creating the funding for the grant fund was vetoed. Establishes an eight-member council to approve expenditures from the grant fund. The council consists of: three Governor appointees, one from each Congressional District; two Public Regulation Commission

appointees; one member each appointed by the Speaker of the House and Senate President Pro Tem; one representative each from the New Mexico Municipal League and Association of Counties; and, the State Fire Marshal, who is a nonvoting advisory member. Members of the PRC, the Superintendent of Insurance or any other employee of the Commission, and active members of a municipal fire department or county fire district, are prohibited from serving on the grant council. Grant funds may be used for fire apparatus and equipment, communications equipment, equipment for wildfires, fire station construction or expansion, or equipment for hazardous material response. Effective 5/17/06.

Chapter 104
CS/SB 216

DNA SAMPLES FOR ALL FELONY ARRESTS (Papen). Any person 18 years old or older who is arrested on or after January 1, 2007 for a felony shall provide a DNA sample to the jail or detention center personnel upon booking, unless it is determined that a previous sample has been taken, is in possession of the Administrative Center (the law enforcement agency or unit that administers and operates the DNA Identification System pursuant to the DNA Identification Act), has not been expunged pursuant to the DNA Identification Act and is sufficient for DNA identification testing; the Administrative Center is to coordinate communications between local, state and federal law enforcement agencies, jails and detention centers to minimize the possibility of sample duplication and provide collection training for personnel; samples are to remain confidential and collected in accordance with rules and regulations promulgated by the DNA Oversight Committee; samples collected may be expunged if the arrest that led to the inclusion of the sample resulted in a felony charge that has been resolved by a dismissal, nolle prosequi, successful completion of a pre-prosecution diversion program or a conditional discharge, misdemeanor conviction, or if a felony charge has not been brought within one year of arrest. The Administrative Center shall not expunge a person's sample or DNA records if the person has a prior felony conviction or a pending felony charge for which collection of a sample is authorized pursuant to the DNA Act; samples collected pursuant to a medical examination of a sexual assault victim shall be submitted by the investigating agency to that agency's servicing laboratory for DNA testing; records derived from testing that qualify for insertion into the FBI's National DNA Index System (CODIS) shall be submitted to the Center. Effective 7/1/07.

Chapter 107
CS/SB 639

CAPITAL OUTLAY PROJECTS REAUTHORIZATIONS. Reauthorizes or re-appropriates unexpended balances, expands or changes the purpose of previously authorized capital outlay projects for the following municipal projects (no line-item vetoes):

STB = Severance Tax Bonds

GF = General Fund

CPF = Capital Projects Fund

ALBUQUERQUE: plan, design and construct improvements to the Albuquerque-Bernalillo Water Utility Authority's soil amendment facility - GF (from NM 467 overpass in Clovis); Alamosa multiservice center - purchase and install physical fitness equipment – STB (from Westgate skate park); West Central neon arches - plan, design and construct – STB (2) (from Nuestros Valores Charter School), time of expenditure extended through FY 2010; Manzano Mesa multigenerational center – building and exterior improvements and renovations – CPF (from partitions and ramps); design and renovate Hiland Theater - STB (from Los Altos pool diving tank); Explora Science Center and Children's Museum - expands purpose to include planning, designing, constructing, equipping and furnishing an addition – STB; Palo Duro senior center – expands purpose to include renovation and repairs, expenditure time is extended through FY 2009. **ANGEL FIRE:** velodrome park – plan, design, construct and equip – CPF & STB (from Albuquerque velodrome park). **BELEN:** public library – plan, design, construct, equip and furnish – STB (2) (from asbestos remediation, Mesa Road and I-25 interchange). **BOSQUE FARMS:** library – make improvements, expenditure time is extended through FY 2010 – GF (from specific library upgrades). **CARLSBAD:** National Parks highway –

streetscaping – GF (from Corrales Road). **CLAYTON:** water system – plan, design and construct infrastructure improvements – STB (from water tower). **EAGLE NEST:** water system – plan, design, construct and equip – STB (from water rights purchase). **EDGEWOOD:** expands purposes for library to include planning, designing, constructing municipal buildings - STB. **ENCINO:** community center – construct improvements – GF (from senior center). **ESPAÑOLA:** wastewater treatment facility – expands purpose of construction of regional facility to include expansion of existing facility - STB. **GALLUP:** intersection of NM 118 and Toltec Drive – plan, design and construct improvements – STB (2) (from Dona Ana County and Gallup traffic light). **GRANTS:** swimming pool - construct and renovate - STB (from MainStreet project); multipurpose center - security alarm system, security lighting and gutters – GF (from head start center); city-owned building - purchase and install information technology, including related equipment and furniture, and make renovations – STB (from electronic message sign); swimming pool - construct and renovate – STB (from train depot rail spur). **HATCH:** public safety building – develop the site and construct, equip and furnish – STB (2) (from Dona Ana judicial complex). **JAL:** wastewater treatment plant and any supporting facilities – plan, design, construct and equip upgrades – GF (from water storage tank). **LAS CRUCES:** Branigan Library – expands purpose to include planning and design for the library complex. **LORDSBURG:** \$250,000 to plan, design and construct water system improvements – STB (from regional wastewater facility for Santa Clara). **LOS RANCHOS DE ALBUQUERQUE:** fire station - expands purpose to include acquiring land – STB; MainStreet project – expands purpose to include design and equipment, including a trolley – CPF; animal control vehicle - expands purpose to include purchase of multiple vehicles. **MESILLA:** roads – plan, design and construct improvements, including landscaping – STB (from NM 292); parks and recreation center – plan, design and construct parking lot and walking path – GF (from Memorial Medical Center). **ROSWELL:** police department – equip a new vehicle (from macroscope), extends time for expenditure through FY 2008 - GF; energy library – expands purpose to include acquiring a building – STB & GF. **SOCORRO:** animal shelter – purchase vehicle - STB (from renovate and equip). **TAOS SKI VALLEY:** municipal complex construction – extend time of expenditure through FY 2010 –STB. **TULAROSA:** department of public safety – purchase equipment and vehicles – GF (from communications tower). Effective 5/17/06.

Chapter 108

*CS/SB 301

2006 CAPITAL PROJECTS GENERAL OBLIGATION BONDS ACT. Authorizes the sale of General Obligation Bonds for the following municipal projects (effective 3/7/06 – no line-item vetoes) subject to voter approval at the 2006 General Election:

MUNICIPALITY	AMOUNT	DESCRIPTION
Alamogordo	\$14,194	senior center improvements, including equipment purchase and installation
Albuquerque	\$49,380	citywide senior centers - install meal equipment
Albuquerque	\$3,000,000	centralized kitchen for comprehensive and coordinated services for senior centers citywide
Artesia	\$132,436	senior center improvements, including equipment purchase and installation
Artesia	\$76,572	meal site improvements, including equipment purchase and installation
Artesia	\$34,094	senior center equipment purchase and installation
Aztec	\$5,840	senior center improvements, including equipment purchase and installation
Aztec	\$1,000	senior center purchase and install meal equipment
Bloomfield	\$20,000	senior center improvements, including equipment purchase and installation
Capitan/Carrizozo/ Ruidoso Downs	\$5,800	senior center improvements, including equipment purchase and installation

Capitan	\$10,000	senior center improvements, including equipment purchase and installation
Carlsbad	\$150,000	senior center improvements, including equipment purchase and installation
Cimarron	\$8,600	senior center equipment purchase and installation
Clayton	\$1,000	senior center purchase and install equipment
Clayton	\$9,500	senior center purchase and install meal equipment
Clayton	\$5,000	senior center purchase and install equipment
Cloudcroft	\$7,500	senior center improvements, including equipment purchase and installation
Corona	\$25,000	senior center improvements, including equipment purchase and installation
Deming/Luna Co.	\$3,760	senior center purchase and install meal equipment
Española	\$84,000	senior center improvements, including equipment purchase and installation
Española/Tierra Amarilla/Coyote	\$4,500	senior center improvements, including equipment purchase and installation
Eunice	\$5,550	senior center purchase and install meal equipment
Eunice	\$3,000	senior center purchase and install equipment
Grady	\$10,000	senior center improvements, including equipment purchase and installation
Grants	\$32,042	senior center purchase and install meal equipment
Grants	\$2,785	senior center purchase and install meal equipment
Hagerman/Dexter	\$500,000	Joy Center design, construction and equipment
Hobbs	\$16,000	senior center purchase and install meal equipment
Jal	\$1,414	senior center improvements, including equipment purchase and installation
Jal	\$510	senior center purchase and install meal equipment
Lake Arthur	\$4,089	senior center improvements, including equipment purchase and installation
Las Vegas/San Miguel Co.	\$96,000	senior center purchase and install meal equipment
Los Lunas	\$250,000	senior center improvements, including equipment purchase and installation
Lovington	\$146,000	senior center improvements, including equipment purchase and installation
Maxwell	\$7,500	senior center improvements, including equipment purchase and installation
Melrose	\$10,000	senior center improvements, including equipment purchase and installation
Pecos	\$500,000	senior center - construct, equip and furnish
Portales	\$120,026	senior center improvements, including equipment purchase and installation
Reserve/Quemado	\$8,000	senior center improvements, including equipment purchase and installation
Roswell	\$31,000	Joy Center improvements, including equipment purchase and installation
Roswell	\$10,390	senior center equipment purchase and installation
Roswell	\$300,000	senior center improvements, including equipment purchase and installation
Roy	\$2,600	senior center equipment purchase and installation
Santa Fe	\$5,700	citywide senior centers - purchase and install meal equipment
Santa Fe	\$19,040	citywide senior centers - purchase and install meal equipment
Silver City	\$67,550	senior center improvements, including equipment purchase and installation
Socorro	\$15,000	senior center improvements, including equipment purchase and installation
Socorro	\$1,000	senior center purchase and install equipment

Springer	\$47,500	senior center improvements, including equipment purchase and installation
Tatum	\$11,225	senior center improvements, including equipment purchase and installation
Tucumcari/House	\$17,800	senior center purchase and install meal equipment
Tucumcari	\$8,600	senior program equipment purchase and installation
Tularosa	\$145,000	senior center purchase and install meal equipment
Vaughn	\$82,000	senior center improvements, including equipment purchase and installation
Vaughn	\$28,607	senior center purchase and install meal equipment
Vaughn	\$6,235	senior center equipment purchase and installation
Wagon Mound	\$30,000	senior center purchase and install meal equipment
Statewide	\$3,000,000	supplemental library resources, books, equipment
TOTAL	\$9,190,339	

**Chapter 110
CS/SB 415**

STATE AGENCY EXPENDITURES. Makes appropriations from the General Fund for the following projects of municipal interest (strikethrough indicates vetoes): Rio Rancho and Sandoval County EMS and firefighter services - \$344,000; ~~Southeast New Mexico Council of Governments operating expenses~~ \$18,000; ~~northeast Albuquerque community policing~~ \$106,000; ~~Albuquerque North Valley trail system study~~ \$25,000; ~~training and equipment for low-income children who apply for jobs as lifeguards in Clovis~~ \$3,000; Farmington parks and recreation sports programs and education \$50,000; ~~Corrales Casa San Ysidro~~ \$10,000; Santa Fe municipal airport crash and fire protection services - \$100,000; ~~Santa Fe Fiesta planning and operation~~ \$50,000; ~~Springer tractor trailer pull event promotion and advertising~~ \$2,000; ~~Raton Shuler Theater historic furnishings repair and equipment~~ \$2,000; ~~Espanola community library needs study~~ \$20,000; ~~House District 41 library materials~~ \$50,000; ~~Roswell symphony music programs and community outreach for the programs~~ \$157,000; Fort Sumner Bosque Redondo Memorial educational programs and symposia - \$32,000; ~~Balloon Fiesta Museum flight simulator program~~ \$25,000; ~~Albuquerque Children's Museum science education program~~ - \$100,000; ~~Santa Fe Children's Museum programming~~ \$70,000; Santa Fe International Folk Art Market - \$40,000; ~~Santa Fe Farmers' Market~~ \$75,000; ~~Milan agricultural project~~ \$30,000; and National Cave and Karst Research Institute - \$100,000. Effective 5/17/06.

**Chapter 111
*CS/HB 622**

SEVERANCE TAX BOND PROJECTS (CAPITAL OUTLAY PROJECTS). The 2006 summary of capital outlay projects listed by county and indicating line-item vetoes is available at the League's web site, www.nmml.org, or the New Mexico Legislature web site at <http://legis.state.nm.us>. **EMERGENCY CLAUSE.** Effective 3/8/06.

RESOLUTIONS AND MEMORIALS OF INTEREST

RESOLUTIONS

CS/HJR 6

CA: WATER TRUST FUND. Proposes to amend Article 16 of the New Mexico Constitution to create a Water Trust Fund in the State Treasury; the stated purpose is to secure a supply of clean and safe water for New Mexico's residents; the Fund would consist of money appropriated, donated or otherwise accrued to the Fund; an annual distribution shall be made to the Fund, which shall be used only to support critically needed projects that preserve and protect the water supply; beginning July 1, 2008 and each fiscal year thereafter, an annual distribution shall be made from the Fund to be appropriated by the legislature only for water projects consistent with a state water plan. Signed. **Constitutional Amendment 3**

CS/HJR 8

CA: LOCAL GOVERNMENT AFFORDABLE HOUSING. Proposes an amendment to Article 9, Section 14, the Anti-Donation Clause of the New Mexico Constitution, to permit the state, instrumentalities of the state, and local governments to provide or pay a portion of the cost of land, buildings or necessary financing for affordable housing projects. Signed. **Constitutional Amendment 4**

MEMORIALS

HJM 49

LOS ALAMOS: LANL ROAD EFFORTS (Wallace). Requests that the state of New Mexico support Los Alamos and request the U.S. Department of Energy and national Nuclear Security Administration to cease construction and operation of the road checkpoint project until the agencies can address the legitimate concerns of the community regarding environmental analysis and other impacts; also requests the agencies change their approach to relations with state and local government by cooperating on matters of broad community concern. Passed House and Senate.

HM 2

STUDY DISASTER EVACUATION OF PETS (McCoy). Requests the Department of Public Safety to develop guidelines that can be used by local governments for evacuation of domestic pets during disasters in order to ensure New Mexicans are not placed at greater personal risk for their unwillingness to abandon their pets. Passed House.

HM 5

DEVELOP MERCURY REDUCTION ACTION PLAN (Wirth). Requests the Department of Health and the Department of Environment to convene a task force to develop a comprehensive mercury reduction action plan to reduce harm from exposure to mercury in New Mexico; the task force shall include representation from appropriate state agencies, tribes, and universities, and from environmental, health and other nongovernmental organizations; the action plan is due to the legislative Health and Human Services Committee and to the interim legislative committee that studies water and natural resources issues at their October, 2006 meeting. Passed House.

HM 21

CREATION OF METHAMPHETAMINE UNIT (Balderas). Requests the legislature support the creation of a methamphetamine prosecution unit in the 2nd judicial district that will serve as a model for district attorneys and law enforcement agencies in rural areas that are struggling to fight methamphetamine-related crimes and offenders; also, requests the 2nd judicial district to collaborate with district attorneys in New Mexico's rural communities in an effort to help those areas develop effective strategies for facilitating communication with law enforcement agencies and managing their prosecution efforts against methamphetamine offenders; a report is due to the interim legislative Courts, Corrections and Justice Committee by November 1, 2006. Passed House.

HM 26

FIRE DEPARTMENT INSURANCE TASK FORCE (Salazar). Requests the Legislative Council to either appoint a task force or request the appropriate interim committee to study the options for providing workers' compensation and general liability insurance coverage for volunteer fire department and emergency medical services personnel; representatives of the following organizations will be asked for input: state Risk Management Division; State Fire Marshal; Workers' Comp Administration; New Mexico Association of Counties, and New Mexico Municipal League. The report is due to the Legislative Council in December, 2006. Passed House.

VETOED BILLS

Bill No.	Short Title/Sponsor
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(An asterisk indicates a bill with an emergency clause.)

HB 8	EXPENDITURE OF SPACEPORT DEVELOPMENT FUNDS, Boykin
*HB 212	STATE RETIREMENT SYSTEM OVERSIGHT COMMITTEE, Heaton
HB 746	USE OF EMINENT DOMAIN IN ECONOMIC DEVELOPMENT, Cheney
SB 12	ADDITIONAL DEGREE PROGRAMS AT ENMU-ROSWELL, Jennings
SB 20	REVISE PER DIEM & MILEAGE ACT REIMBURSEMENT, Jennings
SB 81	INCREASE METRO & AND MAGISTRATE JUDGE SALARIES, Snyder
*SB 88	ELIMINATE DAILY BED SURCHARGE, Jennings
SB 199	BIENNIAL BUDGET PILOT PROJECT, Campos
SB 215	AGE VERIFICATION EQUIPMENT TAX CREDITS, Cravens
SB 234	MENTAL HEALTH CARE TREATMENT DECISIONS ACT, Papen
*SB 341	LEA MAGISTRATE DISTRICT JUDGE POSITION, Smith
SB 381	EXPAND HEALTH INSURANCE ALLIANCE COVERAGE, Beffort
SB 395	UNLAWFUL TROPHY ANIMAL DISPOSITION PENALTIES, Sanchez, M.