



**Summary of
2009 LAWS
of Interest to
Municipalities**

May, 2009

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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 (June 19 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, 2009*

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Chapter 3 (pv)

***CS/SB 79 FUND TRANSFERS AND APPROPRIATION CUTS.** The bill makes several fund transfers to the General Fund and cuts appropriations; amends §59A-53-5.2 to change the distributions from the Fire Protection Fund to add in 2009 and 2010 a distribution of 13.4% in both years, thereby lengthening the period for 100% distribution to 2023 from 2021. EMERGENCY CLAUSE. Effective 2/6/09.

Chapter 5 (pv)

***CS/HB 9 CAPITAL OUTLAY CUTS & REAUTHORIZATIONS.** Reverts several previous General Fund expenditures to the General Fund and reauthorizes some previous severance tax bond authorizations. For a summary of the municipal projects affected, see Page 29. EMERGENCY CLAUSE. Effective 2/6/09.

Chapter 11

HB 285

ABOLISH DEATH PENALTY (Chasey). Amends §§31-18-14, 31-18-23, 31-20A-2, & 31-21-10. Abolishes the death penalty and provides for life imprisonment without the possibility of release or parole; an inmate sentenced to life imprisonment without possibility of release or parole shall remain incarcerated for the entirety of the inmate's natural life. The provisions of this Act apply to crimes committed on or after July 1, 2009. Effective 7/1/09.

Chapter 21

CS/SB 166

REVISE CRIME OF STALKING. Amends §30-3A-3 to define stalking as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual; pattern of conduct is defined as two or more acts, on more than one occasion, in which the alleged stalker by any action, method, device or means, directly, indirectly or through third parties, follows, monitors, surveils, threatens or communicates to or about a person; authorizes the court to require a person convicted of stalking to participate in and complete a domestic violence offender treatment or intervention program. Effective 7/1/09.

Chapter 23

CS/HB 360

HISTORIC DISTRICTS & CAPITAL OUTLAY. Enacts a new section of the Historic District and Landmark Act. Recognizes the fragility of the State's historic heritage and states that its purpose is to establish a procedure under which the state and its municipalities and counties will commit to collaborate in good faith and work jointly to preserve and protect the historic districts in New Mexico. Ordinances enacted by a municipality or county pursuant to this Act shall apply to a state capital outlay project only if they contain special provisions and standards applicable to state buildings, including provisions concerning the design, construction, alteration or demolition of the exterior features of state buildings; if requested by a resolution of the local governing body, the staff of the Capitol Buildings Planning Commission shall work jointly with the staff of the municipality or county in developing the provisions and standards required by this Section. The applicable state agency shall carry out a capital outlay project in a manner that is harmonious and generally compatible with the municipal or county ordinances; before commencing the design phase of a capital outlay project, the applicable state agency shall consult with the municipality or county as to the design standards in the ordinances and how those design standards would impact costs and the operation or manner in which the capital outlay project will ultimately be expected to function; requires the consultation to be with any agency or entity that reviews projects within an historic district; the state agency shall work collaboratively with the municipality or county to arrive at compatibility with the design standards, considering reasonable costs and preserving essential functionality; requires the state agency to make reasonable efforts to obtain input from identified community groups involved in historic preservation; after the design phase and before soliciting a bid or proposal for design-build or lease-purchase for a capital outlay project, the state agency shall transmit its

plans for review and comment to the municipality or county and shall conduct a public meeting to receive public input; within 60 days after the meeting, recommendations and comments must be submitted in writing to the state agency and the state agency shall consult with the municipality or county to resolve any issues raised; provides for resolution of unresolved issues by the formation of a state-local government historic review board; sets the membership of the board which shall consider the issues at a public meeting and, within 20 days of the board's formation, shall make a final decision for each issue that is harmonious and generally compatible with the municipal or county ordinance. Effective 6/19/09.

Chapter 24

SB 5

DNA LABORATORIES AND SAMPLE COLLECTIONS (McSorley). Amends §§29-16-3, 4, 5; in the DNA Identification Act, expands the DNA testing program to cover felony offenders under state, federal, and military law; the "administrative center" means a national DNA index system qualified New Mexico crime laboratory that administers and operates the DNA identification system; DNA Oversight Committee means the DNA Identification System Oversight Committee; the administrative center shall meet the requirements for participation in the national DNA Index System. Effective 6/19/09.

Chapter 27

SB 52

OFFICIAL STATE GUITAR (Papen). New material designates the New Mexico Sunrise guitar as the official state guitar. Effective 6/19/09.

Chapter 34

SB 563

CLARIFY EXTRATERRITORIAL ZONING JURISDICTION (Nava). New material states a Class A County with a population between 150,000 and 400,000 from the most recent decennial census and a municipality within that county may exercise concurrent authority pursuant to an extraterritorial zoning authority created under §3-21-3 or §3-21-3.2 or pursuant to a joint powers agreement. Effective 6/19/09.

Chapter 42

HB 106

ENVIRONMENTAL CIVIL PENALTIES & REPORTING (Heaton). Amends §74-1-6. Authorizes the Environment Department to collect civil penalties pursuant to law, including reduction or elimination of penalties for violations from persons who: (1) voluntarily report potential violations within 60 days of discovery; (2) initiate corrective action for the potential violation; (3) have not previously violated the same provision of the law; and, (4) do not present an imminent and substantial endangerment to health or the environment by the potential violation. Effective 6/19/09.

Chapter 43

CS/SB 127

CUSTODY & CARE OF MISTREATED ANIMALS. Amends §30-18-1.2; an animal control agency operated by the state, a county or a municipality, or an animal shelter or other animal welfare organization designated by an animal control agency or shelter, in the custody of which an animal that has been cruelly treated may, with the court's permission, indemnify the costs incurred to care for and provide for the seized animal pending the disposition of any criminal charge of cruelty against the animal's owner; the court shall determine the amount of the security while taking into consideration all the circumstances of the case, including the owner's ability to pay, and may conduct periodic reviews of its order; if the posting of the security is ordered, the animal control agency may draw from the security to indemnify the costs incurred. If the owner of the animal does not post security within 15 days after issuance of the order, or, if after reasonable and diligent attempts the owner cannot be located, the animal may be deemed abandoned and relinquished to the animal control agency for adoption or humane destruction; an owner may voluntarily relinquish an animal to an animal control agency or shelter in lieu of posting a security; a voluntary relinquishment shall not preclude further prosecution of any criminal charges alleging that the owner has committed felony cruelty to animals. Amends §30-18-1.3 that upon conviction of a charge of animal cruelty, the owner shall be liable for any additional cost in excess of the posted security; in the absence of a conviction, the seizing agency shall bear the costs of boarding the animal and all veterinary examinations, return the animal if not previously relinquished and all of the security shall be returned to the owner. Effective 6/19/09.

Chapter 46
SB 110

PUBLIC IMPROVEMENT DISTRICT ELECTIONS (Campos). Amends §5-11-2 to include in the definition of an owner a manager or member of a limited liability company holding record title to land within the public improvement district who has been authorized to represent the company; amends §5-11-19, that for general obligation bond elections, the question shall include authorization for a levy, including a limitation on the levy, of a property tax to pay debt service on the bonds; for a general obligation bond election, the question shall be put to the owners and qualified electors and removes the requirement of being a resident in order to vote; any bonds issued by a district shall comply with provisions of the Public Securities Limitation of Action Act. Effective 6/19/09.

Chapter 48
***SB 20**

REGIONAL HOUSING AUTHORITY CONSOLIDATION (Papen). Amends §11-3A-4 to reduce the number of Regional Housing Authorities from seven to three; Northern Authority consists of Cibola, Taos, McKinley, Rio Arriba, San Juan, San Miguel, Mora, Los Alamos, Colfax and Sandoval counties; Eastern Authority consists of Chaves, De Baca Eddy, Guadalupe, Harding, Lea, Lincoln, Otero, Quay, Roosevelt, Union and Curry counties; Western Authority consists of Grant, Hidalgo, Luna, Sierra, Socorro, Catron, Torrance and Valencia counties. Amends §11-3A-2 to expand eligibility to moderate income people under the Regional Housing Act; local housing authority means any municipal or county housing authority established by a municipality or county; "local public body" means any county, municipality, commission, district or other political subdivision of the state. "Low-income person" means any individual, couple or family whose gross income does not exceed eighty percent of the person's particular area median income and who cannot afford to pay more than thirty-five percent of gross annual income for housing rent or mortgage payments; or a low-income person as defined by the federal government. Consolidates the existing seven regional housing authorities into three; a regional housing authority shall operate in any area except in those areas where a municipality or county has established a housing authority; allows the governing body of a municipality or county, by resolution, to have the regional housing authority to operate within its jurisdiction; each regional housing authority commission is comprised of a member from each county within the authority's jurisdiction; each authority may hire an executive director. The bill authorizes a local housing authority that is in default on a federal contract to transfer its assets to the regional authority; prohibits any employee or employee's family member to enter into any contract for housing construction with the authority within one year of service; amends §11-3A-13 to require regional housing authorities to comply with state and federal regulations; requires prior approval of the New Mexico Mortgage Finance Authority for any contract valued at \$100,000 or more or any sale of property valued at \$100,000 or more; requires an annual audit by the State Auditor for each regional authority. EMERGENCY CLAUSE. Effective 3/30/09.

Chapter 50
***HB 77**

DRINKING WATER SYSTEM FINANCING (Varela). Appropriates \$2 million from the Public Project Revolving Fund to the Drinking Water State Revolving Loan Fund to provide state matching funds for federal Safe Drinking Water Act of 1974 projects and to carry out the purposes of the Drinking Water State Revolving Loan Fund Act. EMERGENCY CLAUSE. Effective 4/1/09.

Chapter 52
SB 23

LOCAL GOVERNMENT PLANNING FUND (Garcia). Appropriates \$2 million from the Public Project Revolving Fund to the Local Government Planning Fund administered by the New Mexico Finance Authority to fund local government planning for water or wastewater system development, economic development or long-term water management and water conservation strategies. Effective 6/19/09.

Chapter 53
***FL/CS/CS**
SB 379

OFF-HIGHWAY VEHICLE REGULATIONS. Makes several amendments to the state Off-Highway Motor Vehicle Act; puts the administration and rule-making authority in the Act under the purview of the Department of Game and Fish; defines an off-highway vehicle and re-distributes some of the registration fees; creates the Off-Highway Motor Vehicle Advisory Board; requires the Department to cooperate with

all appropriate federal agencies, public and private organizations and local government units to implement provisions of the Act; a wildlife conservation officer, state police officer or peace officer of the state or any of its political subdivisions may enforce provisions of the Act after showing their badge. Establishes a penalty assessment schedule for violations of the Act; when an alleged violator chooses to appear in court, the fine shall not be more than the penalty assessment and probation for the violation shall not exceed 90 days; requires the Department to report to the appropriate interim committee on implementation of the Act; transfers all personnel, property, contract records and appropriations to the Department of Game and Fish on July 1, 2009. EMERGENCY CLAUSE. Effective 4/1/09.

Chapter 56
SB 142

VICTIM OF SEX OFFENSE AGE INCREASE (Neville). Amends §30-9-11; raises the age limit from nine to 13 years for the crime of aggravated criminal sexual penetration of a child with the intent to kill or with a depraved mind regardless of human life. Effective 7/1/09.

Chapter 57
SB 245

REGIONAL TRANSIT DISTRICTS LAW ENFORCEMENT (Lopez). New material authorizes regional transit districts that operate a commuter rail service to employ law enforcement officers; officers shall carry commissions issued by the district; officers shall have the powers of peace officers on all property, track, rights-of-way, easements, vehicles, buses and other property owned or operated by a district; requires the officers to wear a distinctive badge bearing the name of the district and a distinctive uniform in order to make a valid arrest. A person employed as a commuter rail service law enforcement officer shall complete the New Mexico Law Enforcement Academy certification training within one year of hire; authorizes a district to contract with other law enforcement agencies to provide commuter rail law enforcement services. Effective 6/19/09.

Chapter 58
***SB 467**

WINROCK TAX INCREMENT DEVELOPMENT PROJECT (Ortiz y Pino). The legislature authorizes issuance of \$137 million in bonds secured by tax increments authorized pursuant to the Tax Increment for Development Act to be pledged to pay the principal and interest on the bonds attributed to the imposition of the State Gross Receipts Tax within Tax Increment Development Districts 1 and 2, constituting a portion of the Winrock/Quorum redevelopment project; authorizes issuance of \$27 million to be secured from GRT in District 3; requires review by the New Mexico Finance Authority, a third party with expertise in development financing selected by the New Mexico Finance Authority Oversight Committee and the Legislative Finance Committee; requires a sinking fund; duration of the authorization is 50 years, and subject only to repeal or modification by the legislature. Provides that the Legislature will not approve any Capital Outlay projects within the TIDD except for state-owned buildings such as schools, higher education buildings, public safety buildings and buildings used for other public purposes; the Legislature may authorize expenditures for economic development projects within the district. EMERGENCY CLAUSE. Effective 4/1/09.

Chapter 62
HB 174

GRT EXEMPTION: SCHOOL EVENT SERVICE (Roch). Exempts from gross receipts tax the receipts from referring, umpiring, scoring or other officiating at school events sanctioned by the New Mexico Activities Association. Effective 6/19/09.

Chapter 65
CS/HB 37

SUBDIVISION ACT TRIBAL NOTIFICATION. Amends the New Mexico Subdivision Act, §§47-6-2, -11, -20, -22. Adds Indian nations, tribes, and pueblos with specified ties with the county to the entities from which a board of county commissioners is required to request opinions when determining whether a subdivider can fulfill the requirements for a preliminary plat approval. The Indian entity must have a historical, cultural or resource tie with the county and must submit annually to the county commission a written request for notification that indicates the tie, its contact information, and a listing of the types of documentation required to be submitted by a subdivider to the county that may be necessary for its review to determine: whether the subdivider can furnish, fulfill or otherwise meet the requirements in Section 47-6-11, and how the proposed plat may directly affect cultural properties, archaeological sites and

unmarked burials. Where the Indian entity has rendered an adverse opinion, the subdivider may submit additional information to the county commission; if a public agency disagrees with an adverse opinion rendered by the Indian entity, that agency shall submit a response to the county commission; Indian entities submitting an opinion are subject to the same time frames as for public agencies. Effective 6/19/09.

Chapter 75
HB 598

ELECTRONIC PUBLIC RECORD INSPECTION REQUESTS (Cervantes). Amends §14-2-8. Expands the definition of “written request” under the Public Records Act to allow requests to be made by electronic communication, including email or facsimiles, provided the request complies with the requirements for written requests. Effective 6/19/09.

Chapter 79
HB 362

MANDATORY NIGHT SKY ACT ENFORCEMENT (Irwin). Repeals §74-12-11 and enacts one new section. The Construction Industries Division shall enforce the Night Sky Protection Act as it pertains to public buildings subject to permit and inspection under the Construction Industries Licensing Act, and each political subdivision of the state shall fully enforce the provisions of the Night Sky Protection Act; stated purpose is to promote the purposes of the Act and to provide uniform minimum outdoor lighting standards throughout the state. Effective 6/19/09.

Chapter 84
SB 279

SEARCH WARRANTS AT DOMESTIC VIOLENCE SHELTERS (Wirth). New material states that it is not obstruction of an officer or aiding or abetting a felon for a person who is a member, resident, employee or volunteer or who is otherwise associated with a domestic violence safe house, to request a law enforcement officer to show a valid search warrant before allowing the officer to enter the premises; prior to attempting to serve an arrest warrant within a domestic violence safe house or shelter, a law enforcement officer shall obtain a valid search warrant, unless exigent circumstances exist necessitating immediate entry; nothing shall prevent a law enforcement officer from executing a valid search warrant. Effective 6/19/09.

Chapter 85
HB 645

MV: BASS FISHING LICENSE PLATES (Tripp). Provides for a new special registration plate with a logo featuring bass fishing for private motor vehicles except motorcycles; the additional fee is \$25 for the first year and \$10 thereafter; \$15 of the additional fee is distributed to the Bass Habitat Management Program of the Game Protection Fund. Effective 7/1/10.

Chapter 86
HB 801

MV: RETIRED LAW ENFORCEMENT LICENSE PLATES (Tyler). Provides for a special registration plate for retired law enforcement officers; imposes an additional \$25 on the registration fee. Effective 7/1/10.

Chapter 87
HB 772

MV: 4-H SUPPORT LICENSE PLATES (Hall). Provides for a new special license plate indicating support for 4-H for an additional fee of \$35, \$25 of which goes to New Mexico State University for the 4-H office and for 4-H youth programs. Effective 7/1/10.

Chapter 88
HB 164

MV: DECEASED SERVICE MEMBER LICENSE PLATES (Berry). Provides for a special “gold star families” license plate for surviving spouses or parents and stepparents of service members killed in armed conflict; makes it a misdemeanor to falsely claim to be a surviving family member in order to be eligible for the plate; no fee, including the registration fee, shall be collected for issuance of the first special plate issued to the mother or spouse of the service member; for three additional plates authorized per family, no fee is charged other than the regular vehicle registration fee. Effective 6/19/09.

Chapter 89
HB 671

MV: COMMEMORATIVE SCOUTING LICENSE PLATE (Taylor). Provides for a new special commemorative scouting license plate celebrating the centennial of the Boy Scouts of America; the fee for the plate is \$10 in addition to the regular registration fees. Effective 6/19/09.

Chapter 90
HB 567

MV: FARM & RANCH COMMUNITY LICENSE PLATES (Egolf). Provides for special farm and community license plates for an additional fee of \$35, \$25 of which goes to the Farm and Ranch Heritage Museum for educational programs. Effective 7/1/10.

Chapter 95
CS/HB 279

ID THEFT REPORTS & PROSECUTIONS. Enacts 3 new sections; amends §§30-1-8, 30-16-24.1. When a law enforcement officer interviews an alleged identity theft victim, the law enforcement officer shall make a written report of the information provided by the victim and witnesses and shall file the report with the Attorney General. A person shall not be prosecuted, tried or punished for an identity theft crime unless the indictment is found or information or complaint is filed within five years from the time the crime was discovered; includes in the definition of "theft of identity" willfully obtaining personal identifying information of another person with the intent to sell or distribute the information to another for an illegal purpose. Includes date of birth, biometric data, electronic ID code, and automated or electronic signature in the definition of "personal identifying information". Provides for identity theft passports to be issued by the Attorney General, in cooperation with the Department of Public Safety, to persons who claim to be victims of identity theft and who supply required documentation; the passport shall contain a picture of the person to whom it was issued and the person's driver record shall include a note that an identity theft passport has been issued; a passport shall be accepted as evidence of identity by law enforcement officers and others who may challenge the person's identity; the Attorney General shall maintain a database of identity theft victims; access to the database is limited to criminal justice agencies; the Attorney General shall keep on file each application for an identity theft passport and each police report of identity theft submitted by a law enforcement agency, and shall prepare and make available to local law enforcement agencies and to the general public an information packet that includes information on how to prevent and stop identity theft. A person whose name was used, without consent or authorization, by another person who has been charged, arrested or convicted may file a petition requesting a determination of factual innocence and expungement of the petitioner's personal identifying information from the record; also authorizes the court to order expungement of the innocent party's arrest information pursuant to the identify theft. Effective 7/1/09.

Chapter 98
CS/HB 195

OZONE EMISSION REGULATION. Enacts one new section of the Air Quality Control Act. Requires the Environmental Improvement Board (EIB) or a local board to adopt a plan, including regulations, to control emissions of oxides of nitrogen and volatile organic compounds to provide for attainment and maintenance of the standard if they determine that emissions from sources within their jurisdiction cause or contribute to ozone concentrations in excess of 95% of a national ambient air quality standard for ozone; the regulations shall be limited to sources of emissions within the area of the state where the ozone concentrations exceed 95% of the national ambient air quality standard. Authorizes the boards to adopt standards for sources for which no federal standard has been adopted and also standards more stringent than federal standards that have been adopted. The standards of performance shall reflect the degree of emission limitation achievable through the application of control technology that is reasonably available considering technological and economic feasibility. Lists the factors that the EIB or a local board must consider in adopting the regulations: (1) the public interest, including social and economic value of the sources and subjects of air contaminants; (2) previous experience with equipment and methods available to control the air contaminants involved; (3) energy, environmental and economic impacts and other social costs; (4) efforts by sources of emissions to reduce emissions prior to the effective date of the regulations; (5) the remaining useful life of any existing source. No regulation adopted shall require emission reductions for sources that between March 25, 2004 and January 1, 2009: (1) implemented and are operating reasonable control measures that result in quantifiable reductions in emissions or (2) are

mandated by other requirements enforceable by the boards to implement reductions in emissions.
Effective 6/19/09.

Chapter 99
HB 554

GRT DEDUCTION: SPECIAL FUEL FROM VEGETABLE OIL (Gonzales). Provides for a deduction from Gross Receipts Tax the receipts from the sale of special fuel consisting of at least 99% vegetable oil or animal fat; provided the use is restricted to an auxiliary fuel system that is subject to a certificate of conformity pursuant to the federal Clean Air Act. Repeals and enacts a new §7-16A-10 relating to computing the tax due for Special Fuel Excise Tax deductions. The GRT deduction is effective 7/1/09 and is repealed 7/1/14. The section on computing tax due is effective 7/1/14.

Chapter 102
HB 593

ANIMAL EUTHANASIA REQUIREMENTS (Martinez, K). Amends §§26-1-2, 30-31-2, & 77-1B-1 thru 6; enacts one new section. Adds “euthanasia technician” to the definition of “practitioner” under the Controlled Substances Act; changes the name of the Animal Shelter Services Act to the Animal Shelter Act; changes the term “euthanasia provider” to “euthanasia technician” and authorizes the technicians to purchase, possess and administer euthanasia drugs for the purpose of performing euthanasia and pre-euthanasia on animals for a euthanasia agency; a formulary shall be developed by the Animal Services Board and be approved by the Board of Pharmacy. Removes the requirement that one of the employees of the Regulation and Licensing Department be a veterinarian who holds both a valid controlled substance and valid federal DEA license; removes the term “certified” from references to euthanasia instructor. Effective 6/19/09.

Chapter 103
HB 265

NO GAS CHAMBER FOR ANIMAL EUTHANASIA (Martinez, K). Amends §77-1-12 & 77-1B-8. Prohibits a municipal ordinance dealing with seizure and disposition of dogs and cats running at large from conflicting with the provisions of the Animal Sheltering Services Act; prohibits the use of carbon monoxide gas chambers for the euthanasia of dogs and cats; removes the requirement that euthanasia agencies have a supervising veterinarian on staff or under contract (retains requirement for a consulting pharmacist); in the section prohibiting certain persons from engaging in the practice of veterinary medicine, changes language referring to a “licensed euthanasia provider” to a “euthanasia technician” and removes the term “certified” from references to “euthanasia instructor”. Effective 6/19/09.

Chapter 107
CS/HB 546

PROCUREMENT: STATE CONTRACTOR & CONTRACT DATABASE. Enacts a new section of the Procurement Code to require the Departments of Finance and Administration, Information Technology, Transportation, and General Services to jointly develop a database of all state contracts with a term beginning on or after January 1, 2010 and having a value of more than \$20,000 entered into pursuant to the Procurement Code or otherwise within the purview of any state agency; the General Services Department shall make the searchable database available to the public on its online web site by January, 2010. Effective 6/19/09.

Chapter 109
CS/SB 715

PESTICIDE APPLICATOR LICENSURE. Amends §76-4-19 of the Pesticide Control Act to require a public applicator to be subject to the provisions of the Pesticide Control Act and rules adopted pursuant to the Act; a public applicator means a certified applicator who is an employee of a federal, state, county or municipal agency or a municipal corporation that uses any pesticide that is classified for restricted use or any general-use pesticide, when applied to sites or under conditions identified by rules promulgated by the Board of Regents of New Mexico State University. Effective 6/19/09.

Chapter 111
SB 173

EMERGENCY COMMUNICATIONS INTEROPERABILITY ACT (Lopez). New material creates the Emergency Communications Interoperability Act and establishes a 12-member Interoperability Planning Commission in the Homeland Security and Emergency Management Department that is to advise and support the Department on emergency response and homeland security activities relating to

interoperability; the executive director of the Municipal League or his designee is a member of the Commission as are law enforcement and first responders; interoperability is coordination of critical information communications systems or networks, including radio and emergency coordination information equipment, that are consistently operable with all relevant local, state, tribal and federal agencies and first responders. The Department shall establish, implement and administer a statewide interoperability emergency communications plan and standards for a statewide integrated public safety radio communications system; the Department shall train representatives of entities involved in emergency response and homeland security with respect to interoperability; all radio communications at emergency incidents are to adhere to the national Incident Management System guidelines established by the federal Department of Homeland Security and statewide Integrated Public Safety Radio Communications Standards; the Department may expend funds to implement the systems and standards; an annual report to the appropriate interim committee is required; all state and local agency budgets and plans to purchase infrastructure equipment shall conform to the interoperability standards developed by the Department. Effective 6/19/09.

Chapter 113
SB 477

PUBLIC UTILITY FUTURE TEST PERIODS (Payne). Amends §62-3-3 of the Public Utility Act to create “future test periods,” which are defined as a 12-month period beginning no later than the date a proposed rate change is expected to take effect; authorizes the Public Regulation Commission to set rates based on a period that the Commission determines best reflects the conditions to be experienced during the period when the rates determined by the Commission take effect. Upon request to include construction work in progress in the rate base, the Commission shall grant the request only upon finding that a project’s costs are reasonable; the Commission shall not include the associated allowance for funds during the construction in income; projects the Commission shall grant include environmental improvement and generation and transmission projects for which the utility has obtained a certificate of public convenience and necessity and are anticipated to be in service no later than five months after the end of the utility’s test period, but in no event later than 24 months after the utility’s filing date. Effective 6/19/09.

Chapter 120
SB 631

SANTA FE 400th ANNIVERSARY PLATES (Griego, P.). New material authorizes special commemorative license plates for Santa Fe’s 400th anniversary; the fee is \$35 in addition to the regular registration fee and \$10 of the fee is to be retained by the Taxation and Revenue Department and \$25 is to be distributed to the Local Government Division to commemorate the 400th anniversary of the City of Santa Fe; the Department shall only issue the special plates for applications received before June 30, 2012. Effective 6/19/09.

Chapter 121
SB 519

NUISANCE ORDINANCE VIOLATION AND FEES (Sanchez, M.) Amends §3-18-17; a municipality, including home rule municipalities, may charge a maximum of \$100 for fines, fees and costs for a violation of a nuisance ordinance, which includes failure to obey a traffic sign or signal, including red light camera offenses, or for speeding offenses; exempts a violation of a disabled parking ordinance from the \$100 limit; in a municipality with a population of 200,000 or more in the last decennial census, one-half of the net fines and fees collected is to be remitted to the State Treasurer and distributed to the Administrative Office of the Courts, of which 10 percent shall be credited to the DWI Drug Court Program and 90 percent shall be transferred to the New Mexico Finance Authority for deposit into the Metropolitan Court Bond Fund; the other 50 percent shall be retained by the municipality for municipal traffic safety programs and to offset the municipality’s reasonable costs directly related to administering a program imposing penalties or fines and fees for the red light camera program. If the required annual audit of the program determines that any amount retained by the municipality is in excess of what it is authorized to retain, the municipality shall remit the amount of the excess to the State Treasurer; a hearing of a contested nuisance ordinance violation shall be conducted by a hearing officer appointed by the presiding judge of the civil division of the district court having jurisdiction over the municipality; the imposition of fines, fees and costs by the hearing officer shall not exceed the maximum of \$100. In municipalities with populations less than 200,000, the municipality may retain an amount,

subject to audit, sufficient to pay for any contractual costs to operate a red light camera program; the net amount of fines and fees collected is to be distributed as follows: one-half shall be remitted to the State Treasurer, of which 65 percent shall be credited to the Court Automation Fund, 20 percent to the Traffic Safety Education and Enforcement Fund and 15 percent to the Judicial Education Fund; the other one-half shall be retained by the municipality for municipal traffic safety programs and to offset the municipality's reasonable costs directly associated with administering the program. Beginning in fiscal year 2009 and each year thereafter, the municipality shall cause an audit of the program to be performed; any excess money found by the audit shall be remitted to the State Treasurer; sets the process for a contested violation through a hearing officer appointed by the district judge having jurisdiction over the municipality; any fines or fees imposed by the hearing officer shall not exceed the maximum \$100. Effective 6/19/09.

Chapter 125

*CS/HB 154

SEVERANCE TAX BOND PROJECTS. Authorizes Severance Tax Bonds projects, including the following municipal projects: **Alamogordo** - \$56,450 to make improvements for building code compliance at the senior center; **Albuquerque** - \$1,024,110 for improvements to building codes, including equipment purchase, for senior center citywide; \$378,000 to purchase and equip vehicles for city senior centers; **Belen** - \$3 million to design and construct a solar equipment economic development project; **Bernalillo** - \$42,000 to purchase and equip vehicle for hot meals transportation at the senior centers in Bernalillo and Placitas; \$20,000 to make improvements for building code compliance and equipment purchase at the Bernalillo senior center; **Bloomfield** - \$42,000 to purchase and equip vehicle for hot meals transportation at the senior center; **Clayton** - to purchase and equip vehicle for hot meals transportation at the senior center; **Corrales** - \$22,250 to make improvements for building code compliance and equipment purchase at the senior center; **Elida** - \$50,000 to purchase and equip handicapped-accessible vans for the senior center; **Española** - \$187,520 to make improvements for building code compliance including purchasing equipment at the senior center; **Las Cruces** - \$84,000 to purchase and equip vehicles for hot meals transportation for citywide senior center; \$100,000 to purchase and equip handicapped-accessible vans for citywide senior centers; **Rio Rancho** - \$6 million for infrastructure development, design and construction of a technical support center pursuant to the Local Economic Development Act; **Santa Fe** - \$84,000 to purchase and equip vehicle for hot meals transportation at citywide senior centers; \$100,000 to purchase and equip handicapped-accessible vans for the Santa Fe senior center; **Tularosa** - \$50,000 to purchase and equip handicapped-accessible vans for the senior center.

Statewide - \$750,000 to purchase and equip fire engines for local fire departments; \$4.5 million to make grants to political subdivisions statewide for infrastructure improvements necessary to attract new or expand existing business for job growth pursuant to the Local Economic Development Act; \$660,000 is appropriated to the Wastewater Facility Construction Loan Fund to carry out provisions of the Wastewater Facility Construction Loan Act; \$1 million for MainStreet infrastructure and renovations projects; **Cumbres & Toltec Scenic Railroad Commission**- \$1 million for track rehabilitation and improvements. EMERGENCY CLAUSE. Effective 6/19/09.

Chapter 128

*CS/SB 443

CAPITAL OUTLAY PROJECT REAUTHORIZATIONS. See a summary by agency or by county at <http://www.nmlegis.gov/lcs/BillFinderCO.aspx>.

Chapter 135

HB 529

JUDICIAL STANDARDS COMMISSION MEMBERS (Martinez, K). Amends §34-10-1. Adds a municipal judge and an additional public member to the Judicial Standards Commission. The term for the public member begins on July 1, 2011 and expires on June 30, 2016; the term for the municipal judge begins on July 1, 2011 and expires on June 30, 2013. The provisions of this Act shall become effective upon approval of a Constitutional Amendment at a general election. The proposed amendment, HJR 12, did not pass the 2009 session; therefore, this provision will not be in effect until the proposed Constitutional amendment passes the legislature and is approved by the electorate.

Chapter 136
CS/HB 552

INFRASTRUCTURE DEVELOPMENT ACT. This 73-page bill enacts the Infrastructure Development Zone Act. Authorizes the formation of infrastructure development zones; the zones may provide services pursuant to an approved service plan; “services” that may be provided are any improvements and facilities listed that directly or indirectly benefit the infrastructure development zone and necessary or incidental work, whether newly constructed, renovated or existing; the list of 19 authorized services includes: sewage systems; drainage and flood control; water systems, including municipal; highways and streets; landscaping; public buildings, fire protection and police facilities; electrical and energy generation; natural gas distribution facilities; cable; traffic control; school sites; libraries; and solid waste. A zone may be entirely within or entirely without, or partly within and partly without, one or more municipalities or counties, and a zone may consist of noncontiguous tracts or parcels of property that are within 3 miles of each other. Projects may be financed by: bonds; municipal or county money; property taxes or special assessments; state or federal grants; private contributions; user, landowner and other fees; and, proceeds of loans. A zone is formed by persons submitting a petition and a service plan to: the governing body of each municipality within the planning and platting jurisdiction of which lies any area within the proposed zone; and, the governing body of each county in which lies any area within the proposed zone that is not within a municipality; the petition shall be signed by not less than 30% or 400 of the taxpaying electors of the proposed zone; sets requirements for the petition and the service plan; requires the governing body to hold a public hearing of record with specific notice requirements; stipulates that no service plan shall be approved if a petition objects to the service plan and is signed by owners of the taxable real and personal property consisting of more than 50% of the total assessed value to be included in the zone; a governing body may exclude territory from a zone upon a request by a petitioner and those who submitted the service plan must prove that the exclusion is not in the best interests of the zone; the governing board of the zone shall exclude property in the planning and platting jurisdiction of any home rule municipality if a request for exclusion has been filed by the municipality; the governing body shall disapprove the service plan unless certain evidence is presented; if a plan is approved, an organization election is held that includes election of a governing board of directors; directors must be eligible electors. Sets numerous powers and duties of the board that include issuing revenue bonds; acquiring and disposing of property; managing construction and operation of zone improvements; eminent domain for certain purposes; fixing fees for services; and furnishing services without the boundaries of the zone. Authorizes additional powers to establish recreational facilities and powers in relating to sanitation and water services; allows for establishment of sub-districts of a zone that shall be a independent political subdivisions; does not allow the zone to overlap special districts or other zones that provide the same service except under listed circumstances; provides for procedures for alteration of the boundaries and dissolution of the zone. Effective 6/19/09.

Chapter 137
HB 601

PERA EXCLUSION OF SENIOR EMPLOYMENT TRAINEES (Sandoval). Excludes from PERA membership trainee participants of the federally funded and state-funded senior employment trainee program, administered by the Aging and Long-Term Services Department. Effective 6/19/09.

Chapter 140
HB 652

PUBLIC AVAILABILITY OF AUDITOR REPORTS (Martinez, K). Amends §12-6-5. Requires that audit reports become public five days (from 10) after the report is sent by the State Auditor to the agency being audited, or earlier than five days if the agency waives the five-day period. The State Auditor shall send a copy of reports of state agencies to the Department of Finance and Administration instead of the Office of the State Cash Manager. Effective 6/19/09.

Chapter 144
HB 718

SMALL CITY DATA FOR FUND DISTRIBUTION (Garcia, T). Amends §3-37A-3 relating to the formula for distributions made from the Small Cities Assistance Fund; changes the agency responsible for certifying the population of each municipality from the DFA Local Government Division to the Bureau of Business and Economic Research at UNM. Effective 6/19/09.

Chapter 148

*HB 76

NMFA PUBLIC PROJECT FUND LOANS (Varela). Authorizes the NM Finance Authority to make loans for the following municipal public projects: **Alamogordo:** land acquisition and refinancing, infrastructure, building and equipment projects; **Albuquerque:** land acquisition and equipment, building, public improvement district, infrastructure, water, wastewater, solid waste and refinance projects; for Albuquerque/Bernalillo Water Utility Authority – equipment, building, infrastructure, water, wastewater and refinance projects; **Angel Fire:** for the Public Improvement District for land acquisition and equipment, infrastructure, water, wastewater, solid waste and building projects; for the Village equipment, land acquisition, building, infrastructure, special assessment district and refinance projects; **Aztec:** land acquisition, equipment, building, water, wastewater refinance, solid waste and infrastructure projects; **Bernalillo:** land acquisition and equipment, building, infrastructure, water, wastewater and refinance projects; **Bloomfield:** land acquisition and equipment, building, water, wastewater, refinance, solid waste, road and infrastructure projects; **Clayton:** equipment, building, infrastructure, water, wastewater, solid waste, and refinance projects; **Clovis:** equipment, building, infrastructure, water, wastewater and refinance projects; **Edgewood:** equipment, building, infrastructure, water, wastewater, solid waste, land acquisition and refinance projects; **Eunice:** equipment, building, water, wastewater, solid waste, infrastructure, refinance and land acquisition projects; **Folsom:** equipment, building, infrastructure, land acquisition and refinance projects; **Las Vegas:** land acquisition and building, equipment, infrastructure, water rights, refinance and road projects; **Los Alamos:** land acquisition and equipment, building, infrastructure, refinance, water, wastewater and solid waste projects; **Milan:** equipment, building, infrastructure, water and wastewater projects; **Mosquero:** equipment, building, infrastructure, road, water wastewater and refinance projects; **Pecos:** equipment, building, infrastructure, road, water, wastewater and refinance projects; **Portales:** equipment, building, infrastructure, road water, wastewater and refinance projects; **Questa:** equipment, building, infrastructure, water and wastewater projects; **Raton:** for equipment, building, refinance, infrastructure, water, wastewater and road projects; **Red River:** land acquisition and equipment, building and infrastructure projects; **Rio Rancho:** equipment, building, infrastructure, general obligation and special assessment district projects; **Roswell:** equipment, building, infrastructure, water, wastewater, solid waste, land acquisition and refinance projects; **Roy:** building, equipment, infrastructure, water, wastewater, road and refinance projects; **Ruidoso:** equipment, building, infrastructure, water, wastewater and refinance; **Ruidoso Downs:** equipment, building, infrastructure, water, wastewater and refinance projects; **Santa Fe:** land acquisition and equipment, building, public improvement district, infrastructure, water, wastewater, solid waste and refinance projects; **Santa Rosa:** building, equipment, infrastructure, water, wastewater and refinance projects; **Socorro:** equipment, building, refinance, water and wastewater projects; **Taos Ski Valley:** water, wastewater, building, solid waste, equipment, infrastructure, road and refinance projects; **T or C:** equipment, land acquisition, building, infrastructure and refinance projects. The legislative authorizations are void by the end of fiscal year 2012 if a qualified entity has not certified to the NMFA its desire to continue to pursue a loan. EMERGENCY CLAUSE. Effective 4/7/09.

Chapter 150

CS/HB 833

STATE ELECTION CODE: PAPER BALLOT ELECTION CODE UPDATES. Amends several sections of the State Election Code; removes all references to emergency paper ballots and makes other changes in procedures to comport with the use of all paper ballots; reduces the number of election judges and clerks on precinct boards by one for primary, general and special federal elections; deletes specific procedures for recounts and replaces them with the term retallied; replaces the term emergency ballot with “replacement absentee ballot” to describe the type of ballot issued to persons who have not received a requested absentee ballot; requires that printed ballots shall be delivered to the county clerk at least 40 days (instead of 30) before the election; provides that if a tabulator is not functioning and there are no other systems available, the presiding judge shall order the marked ballots to be collected and securely preserved until they may be tabulated pursuant to Secretary of State rules; a voter shall not be denied the opportunity to mark a ballot for later tabulation due to the lack of a functioning tabulator; provides that the voter, not the presiding judge, marks a spoiled ballot as spoiled; replaces one signature roster with the voter checklist in those items required to be sent to the Secretary of State; removes the requirement that the envelopes containing spoiled and rejected ballots be placed in the ballot box; allows small school

districts to hand count ballots rather than use a voting machine to tabulate the votes. Repeals 12 sections dealing with emergency situations and the use of emergency paper ballots. Effective 6/19/09.

Chapter 158

HB 156

PERA: NOTICES TO MEMBERS (Park). Requires the PERA to give written notice to a member when: the member meets the minimum age and service requirements for normal retirement pursuant to their coverage plan; or, when a change has been made, by law or rule, to a retirement requirement that applied to the member prior to the change, or to the amount of normal retirement pension for which the member would have been eligible prior to the change. Effective 7/1/09.

Chapter 164

HB 227

INCREASE AIRPORT FACILITIES FUNDING LIMITS (Egolf). Amends §64-1-13. Increases the limits on airport facilities that are eligible for aviation funding; authorizes expenditures of money from the State Aviation Fund for construction, development and maintenance of public-use airport facilities, except airports serving regularly scheduled interstate airlines using aircraft with a maximum passenger capacity of more than 100 seats (from 60 seats), and has a maximum payload capacity of more than 25,000 pounds (from 15,000 pounds). Effective 7/1/09.

Chapter 167

HB 308

LOCAL GOVERNMENT ROAD FUND FOR MATCHING FUNDS (Lujan, B). Authorizes the Department of Transportation to distribute up to \$1 million per calendar year of the money from the Local Governments Road Fund to municipalities and counties that can demonstrate financial hardship, for use as all or a portion of their matching fund requirements; in order to qualify for matching funds, counties and municipalities must provide a financial hardship qualification certificate issued by the Department of Finance and Administration. Effective 6/19/09.

Chapter 170

HB 336

INCREASE PUBLIC EMPLOYEE MILEAGE RATE (Miera). Amends §10-8-4. Increases the mileage rate for public officers and employees; they shall receive up to the Internal Revenue Service standard mileage rate set January 1 of the previous year. (IRS rate is currently 55 cents per mile). Effective 6/19/09.

Chapter 171

HB 350

DEPARTMENT OF TRANSPORTATION MATERIAL DONATIONS (Varela). Enacts a new section to authorize the Department of Transportation to donate available surplus personal property or materials to a local government entity to repair damage to public roads, highways and bridges in New Mexico resulting from natural or man-made causes if: (1) the request is made by a local government entity, including a municipality, county, public school or tribal government, and the entity certifies that it does not have the financial or physical resources to repair sudden and unforeseen damage to the road, highway or bridge within its jurisdiction; (2) the local government entity certifies the damage was due to unforeseen natural or man-made causes, including bad weather, an accident or other catastrophic event, and that the damage creates a risk to public safety that requires immediate action; (3) the local government entity certifies it will use the donated property or materials for the purpose of making the repairs needed to address the emergency; and, (4) the Department determines that donation of the personal property or material will not affect the Department's ability to carry out its statutory obligations. Requires the Department to prepare documentation that describes the property or materials donated, identifies the amount donated, and provides an estimate of the fair market value; requires the Department to obtain a receipt of delivery from the local government; within 30 days of a donation, the Department must provide a report to DFA that includes all certifications and representations made by the local government, an estimate of the fair market value and evidence that the property was delivered and accepted; the local government must submit a report to DFA within 30 days of accepting the property that it was used in conformity with the requirements. Effective 6/19/09.

Chapter 172
HB 377

LOCAL GOVERNMENT ECONOMIC DEVELOPMENT FUND LIMIT (Gonzales). Amends §§5-10-4, 3-63-5, and 3-63-13. Increases from 5% to 10% the percentage of a local government general fund that may be expended in a fiscal year pursuant to the Local Economic Development Act; amends the Business Improvement District Act to reduce the types of residential property that may be included in a Business Improvement District by excluding the following from the business improvement benefit fee: (1) governmentally owned real property; (2) residential property that is not multifamily residential property with at least four units or homeowners associations of multifamily ownership properties; (3) real property owned by a nonprofit corporation; or, (4) residential real property, located within an existing district, that became eligible for a business improvement benefit fee assessment after the district was created, unless the ordinance that created the district is amended to include the new business or property after proper notice is provided and a hearing is held. Effective 6/19/09.

Chapter 177
CS/HB 428

PROHIBITION OF PROFILING PRACTICES ACT. Enacts the Prohibition of Profiling Practices Act. In conducting a routine or spontaneous investigatory activity, including an interview, detention, traffic stop, pedestrian stop, a frisk or other type of bodily search or a search of personal or real property, or in determining the scope, substance or duration of the investigatory activity, a law enforcement agency or officer shall not rely on race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, except in a specific suspect description related to a criminal incident or suspected criminal activity, to select a person for or subject a person to the investigatory activity. The agency shall not rely on the above characteristics except to the extent that credible information, relevant to the locality or time frame, links a person with those identifying characteristics to an identified criminal incident or activity. Requires law enforcement agencies to maintain written policies designed to eliminate practices that violate this Act and to provide training to its officers during orientation and at least once every two years. Sets minimum requirements that must be included as a part of the agency's administrative complaint procedures; requires the agency to establish a time frame within which a complaint alleging a violation may be made, but the time frame may not be less than 90 days nor more than 180 days after commission of the alleged violation; complaints may be made (1) in person or in writing by mail, fax, or electronic mail and signed by the complainant, or (2) by telephone, anonymously, or by a third party, provided that the agency shall determine the complaint to be valid before taking appropriate measures and shall comply with §29-14-4 of the Peace Officers Employer-Employee Relations Act. Requires the Attorney General to establish independent procedures for receiving and maintaining a record of complaints alleging profiling; the Attorney General may initiate an investigation of a complaint or a systematic pattern of violations and take actions deemed appropriate. The Attorney General may publish a report or summary of the findings regarding violations of the Act, provided that personal and identifying information shall not be published or released to the public. Effective 6/19/09, except that the requirements regarding agency policies and procedures and Attorney General procedures are effective 12/31/2009.

Chapter 179
HB 451

TAX INCREMENT DEVELOPMENT DISTRICT OVERSIGHT (Lundstrom). Requires a governing body of a municipality or county that adopts a resolution to form a Tax Increment Development District to notify the Secretaries of Taxation and Revenue and Finance and Administration, and the director of the Legislative Finance Committee of their action within 10 days of adopting the resolution; a copy of the resolution must be sent with the notice; requires all resolution materials, including fiscal and economic studies, to also be available electronically to the public; written notice of the hearing regarding formation of the district must be provided no later than 10 days prior to the hearing and adds the above agencies to those required to receive the notice; notice of the hearing must contain a summary of the resolution and a copy of the application; the director of Legislative Finance Committee is added to those who are notified if the district is approved; if a five-member board governs the district, the fifth member shall be the Secretary of Finance and Administration or designee, with full voting privileges; for bonds issued against State Gross Receipts Tax increments, requires that not only the issuance of the bonds but also the maximum amount of bonds to be issued shall be specifically authorized by law. After the retirement of all bonds issued pursuant to the tax increment development plan, any

balance in a debt service reserve account established for payment of the bonds shall be paid to the governments that have dedicated a tax increment to the district in proportion to the amount of tax increment attributable to their dedication. Effective 6/19/09.

Chapter 180
SB 647

RENEWABLE ENERGY FINANCING DISTRICT ACT (Wirth). New material creates Renewable Energy Financing Districts, which are districts formed by municipalities and counties that are for the development of renewable energy sources; governing bodies may adopt an ordinance declaring their intent to form a district for specifically stated reasons; the ordinance shall describe what property is to be included in the district and the method of calculating the amount of special assessment levied for renewable energy improvements and the manner of collection. A district is to be governed by a district board composed of the members of the governing body or five directors to be appointed by the governing body; authorizes a district to issue bonds; a district may be dissolved by the district board upon determining that the district has no outstanding bond obligations. Effective 6/19/09.

Chapter 185
SB 131

MAIN STREET REVOLVING LOAN CRITERIA (Campos). Amends §3-60C-3; a lending institution is defined as a bank, saving and loan association, credit union or non-profit organization with lending programs as part of its bylaws; amends §3-60C-4 to authorize the MainStreet Revolving Loan Committee to approve expenditures by the MainStreet Division for marketing, managing and administration; authorizes telephonic participation in Committee meetings as provided in the Open Meetings Act; revolving loan proceeds may be used for related fees to property owners with loans processed by a lending institution; loan periods may not exceed 10 years and property owner must agree to maintain the eligible property for the period specified in the loan or for five years, whichever is greater. A lending institution may determine sufficient collateral security, and loan servicing fees are eligible costs from loan proceeds; authorizes the Committee to determine eligible fiscal agents' fees. Effective 6/19/09.

Chapter 194
FL/SB 206

WATER QUALITY ACT RULEMAKING CHANGES. Amends §74-6-4 to prohibit the Water Quality Control Commission from adopting or promulgating a rule or regulation pursuant to a grant of rulemaking authority that exceeds the subject matter areas listed in the statutory section of the Water Quality Act authorizing that standard, or pursuant to a general grant of rulemaking authority to supplement a more specific grant of rulemaking authority; amends §74-6-5 to require the Commission to specify in regulations the measures to be taken to prevent water pollution and to monitor water quality; the Commission is to consider the best available scientific information and regulations may include variations in requirements based on site-specific factors. The New Mexico Environment Department shall create stakeholder advisory committees composed of experts particular to the industry and other interested stakeholders to advise the constituent agency on appropriate regulations; requires public input into the development of regulations; the Commission shall adopt regulations for particular industries, including the dairy and mining industries. Effective 6/19/09.

Chapter 200
SB 230

COMMERCIAL DRIVER'S LICENSE PENALTIES (Griego, P.) Amends §65-3-7 to allow a person 18 years of age or older to operate a commercial motor carrier if they are involved in intrastate use only and drive only within the state of New Mexico; requires reporting of drug test results to the Motor Vehicle Department and requires the Department to maintain those records; changes the definition of "conviction" in the Commercial Driver's License Act to: 1) a finding of guilt in the trial court in regard to which the violator has waived or exhausted all rights to appeal; 2) an un-vacated forfeiture of bail or collateral deposited to assure an appearance in court; 3) a plea of guilty or nolo contendere; and 4) the promise to mail a payment on a penalty assessment; amends §66-5-71 to increase the fine for violating an out-of-service order to \$2,500 for the first offense and \$5,000 for a second and subsequent offense. Effective 7/1/09.

Chapter 203

CS/SB 30

SEPTIC TANK REPLACEMENT ASSISTANCE. New material creates the Liquid Waste Disposal Assistance Fund to be administered by the Environment Department; money in the Fund is for the sole purpose of assisting indigent individuals or households that qualify for funding to accomplish one of the following purposes where there is a real or potential negative impact to public health or water quality from on-site liquid waste disposal system effluent: 1) to pay for a liquid waste disposal system to replace a cesspool or other failed or improper on-site liquid waste disposal system; 2) to purchase, install or maintain an advanced treatment system as required by the Environmental Improvement Act or regulations issued pursuant to that act; 3) to pay for the decommissioning and removal of a cesspool or other failed or improper on-site liquid waste disposal system; or 4) to pay for all or a portion of the connection fees in order to connect an individual or household to a centralized wastewater collection and treatment system. Construction activities sponsored by the Fund shall be performed by licensed contractors selected through competitive bids and no more than 5 percent of the fund shall be used for management and administrative costs; creates the Liquid Waste Fund for administration of liquid waste regulations. Effective 6/19/09.

Chapter 206

SB 33

PREVAILING WAGE RATE ON PUBLIC WORKS PROJECTS (Cisneros). New material adds definitions to §13-4-10 through 17, the Public Works Minimum Wage Act; requires fringe benefits as well as wages to be paid to workers on every public works project whose value is \$60,000 or more; the Director of the Labor Relations Division of the Workforce Solutions Department shall set the prevailing wage and fringe benefits for laborers on public works projects in accordance with collective bargaining agreements in the locality; if no such agreements exist, the Director may set the wages and benefits comparable to localities near the place in question; the Director shall give due regard to information obtained during the Director's determination of the prevailing wage and fringe benefits rates; any interested party shall have the right to submit to the Director written data, personal opinions and arguments supporting changes to the prevailing wage and fringe benefits rates; repeals §13-4-12. Effective 7/1/09.

Chapter 208

SB 395

MV: RAILROAD-HIGHWAY GRADE CROSSING PENALTIES (Eichenberg). Amends §66-8-116 to increase the penalty assessment fine for railroad-highway grade crossing violations from \$10 to \$150. Effective 6/19/09.

Chapter 210

*SB 405

NMFA WATER PROJECT LOANS (Cisneros). Authorizes the New Mexico Finance Authority to make loans for the following qualified water projects: **Albuquerque-Bernalillo County Water Utility Authority** – Carnuel water and sewer system improvements; large-scale aquifer storage and recovery project; **Angel Fire** – water conservation, treatment, recycling or re-use; **Belen** – water storage, conveyance and delivery; **Bernalillo** – water conservation, treatment, recycling or re-use; **Bloomfield** – water storage, conveyance and delivery; **Carlsbad** – water storage, conveyance and delivery; **Clovis** – water storage, conveyance and delivery; **Corona** – water conservation, treatment, recycling or re-use; **Gallup** – water storage, conveyance and delivery; **Grants** – water storage, conveyance and delivery; **Jemez Springs** – water storage, conveyance and delivery; **Las Vegas** – water storage, conveyance and delivery; **Los Alamos** – water conservation, treatment, recycling or re-use; water storage, conveyance and delivery; **Los Lunas** – water conservation, treatment, recycling or re-use; **Mesilla** – water storage, conveyance and delivery; **Moriarty** – water storage, conveyance and delivery; water conservation, treatment, recycling or re-use; **Rio Rancho** – water conservation, treatment, recycling or re-use; **Ruidoso** – water conservation, treatment, recycling or re-use; **San Jon** – water storage, treatment, recycling or re-use; **San Ysidro** – water storage, treatment, recycling or re-use; **Santa Fe** – watershed restoration and management; water storage, treatment, recycling or re-use; **Taos** – water storage, conveyance and delivery; water conservation, treatment, recycling or re-use; **Taos Ski Valley** – water storage, conveyance and delivery; **Tijeras** - water storage, conveyance and delivery; **Truth or Consequences** – water storage, conveyance and delivery; and **Tucumcari** – water storage, conveyance and delivery. EMERGENCY CLAUSE. Effective 4/7/09.

Chapter 218

SB 510

ELECTRONIC PAYMENTS TO LOCAL GOVERNMENTS (Sanchez, B.) Amends §6-10-1.2 to allow a local governing body to accept payments by credit card or electronic means of any amount due under any law or program administered by the local body; requires the local governing body to adopt procedures, subject to DFA approval, on the terms and conditions of accepting credit card or electronic payments. Effective 6/19/09.

Chapter 224

SB 587

COUNTY CLASSIFICATIONS AND SALARIES (Sapien). Amends §4-44-2 to set July 1 as the date for which the Secretary of the Department of Finance and Administration is to set the biennial valuation of counties for salaries for county officers. Effective 6/19/09.

Chapter 226

***SB 60**

MUNICIPAL HOUSING LAW & AUTHORITIES (Martinez). Amends §3-45-2 to add moderate income persons to those eligible for assistance under the Municipal Housing Act; adds to the definition of “slum” an area that is not conducive to the well being of the inhabitants; adds affordable living accommodations to the definition of a housing project; low-income person is an individual, couple or family that does not make 85% of the area median income and cannot afford to pay 35% or more for housing; allows local housing authorities to create affordable housing programs; authorizes two or more municipalities to create joint housing authorities with equal representation; prohibits any authority or its subcontractors to enter into financial dealing with former members of the authority or family members until one year after severance from the authority; prohibits contractual agreements between a housing authority and any member who formulates policy and any public official, member of a governing body or state legislator who exercises any responsibilities with respect to a housing project or authority. EMERGENCY CLAUSE. Effective 4/7/09.

Chapter 227

CS/SB 610

MV: ACCESSIBLE PARKING TIME LIMIT. Amends §3-51-46; motor vehicles with disabled registration plates or displaying state-issued parking placards may park for unlimited time in parking zones restricted as to length of time parking is normally permitted and are exempt from paying a fee of the state or its political subdivisions, except that airport parking facilities may charge long-term parking fees for periods of time exceeding 24 hours. Effective 6/19/09.

Chapter 231

SB 680

PROCUREMENT FOR CRIME VICTIMS GRANT CONTRACTS (Lopez). Amends §13-1-98 to create a exemption in the Procurement Code for contracts entered into by the Crime Victims Reparation Commission to distribute federal grants to assist victims of crime, including grants from the federal Victim of Crime Act and the federal Violence Against Women Act. Effective 7/1/09.

Chapter 232

SB 71

MUNICIPAL LOW INCOME UTILITY ASSISTANCE (McSorley). Amends §27-6-11 to add to the definition of “utility” under the Low Income Utility Assistance Act a publicly, privately, municipally owned utility or a distribution cooperative utility for the rendition of electric power or gas. Effective 6/19/09.

Chapter 239

SB 248

CHILDREN’S CODE REVISIONS (Ortiz y Pino). This 160-page bill makes several changes to the Children’s Code. New material creates a seven-member Juvenile Public Safety Advisory Board whose members are appointed by the Governor; the board is to: 1) advise the Children, Youth and Families Department (CYFD) on release decisions, including criteria to be used to grant release and participation in decisions to grant or deny release; 2) meet with the Secretary of the Department or the Secretary’s designee a minimum of twice each year for the purpose of reviewing the activities of the Department; 3) visit each facility for adjudicated delinquent children operated by the Department at least once a year on or before June 30 and submit a written report to the Governor and the Secretary of CYFD regarding the conditions relating to the care and treatment of youth assigned to the facility; and 4) make

recommendations to the Secretary of CYFD and the director of the Juvenile Justice Division concerning programs and facilities for adjudicated delinquent children. The bill authorizes the district court to assume jurisdiction over a Motor Vehicle Code or municipal traffic code violation; a child arrested and detained for an alleged delinquent act may be temporarily held in an adult jail for no more than six hours; the child must be placed in a setting that is physically segregated from adult detainees; an adult facility that does house juveniles shall file a report annually to the Juvenile Justice Advisory Committee regarding its compliance with federal requirements; makes several changes to the placement of detained juveniles; amends §32A-2-10 to allow a person taking a child into custody to release the child to an adult authorized by the child's parent, guardian or custodian; adds to the list of authorized places where a child may be detained a shelter care facility that is in compliance with all standards, conditions and regulatory requirements that shall be considered a temporary placement subject to judicial review for 30 days of placement and a detention facility certified by the Department for children alleged to be delinquent; prohibits a child to be transferred to a county jail solely on the basis of attaining the age of 18 while detained in juvenile detention facility. The Children's Court shall have exclusive jurisdiction over offenses pursuant to violations of §32A-2-3 and the disposition of the case must be pursuant to the Delinquency Act; at the request of any party, the court may permit a detention hearing to be conducted electronically and the child shall have legal representation with them and no plea shall be allowed to be taken electronically; disposition of the offenses must be in accordance with the state Motor Vehicle Code or municipal traffic ordinances; amends §32A-4-6 to allow a law enforcement officer to take a child into custody if the officer has reasonable suspicion to believe the child is abused or neglected and that there is an immediate threat to the child's safety; an officer must contact the Department to request an on-site safety evaluation; an officer may take a child into custody without a protective services assessment if: 1) the child's parent, guardian or custodian has attempted or conspired to cause great bodily harm to the child's sibling or another parent, guardian or custodian; 2) the child has been abandoned; 3) the child is in need of emergency medical care; 4) the department is not available to conduct an assessment; or 5) the child is in imminent risk of abuse. An application by a person under 18 in custody of the state for an instructional permit, provisional license or driver's license may be signed and verified by a grandparent; a sibling over the age of 18, an aunt; an uncle; a foster parent with whom the minor resides; or as authorized by the CYFD Secretary, a child protective services worker or juvenile probation officer, provided the worker or officer first notifies a foster parent or other responsible party of the intent to sign. Authorizes the court to order pre-dispositional evaluations of a child; new material sets release eligibility requirements. New material creates the Juvenile Public Safety Authority with seven members appointed by the Governor. Effective July 1, 2009.

Chapter 244
HB 700

MV: ALTERNATIVE JUVENILE JUDICIAL ADJUDICATION (Barela). Amends §66-8-116.3 of the Motor Vehicle Code. Adds a new juvenile adjudication penalty assessment fee of \$1 on to traffic citations in magistrate courts; the fee goes to a Juvenile Adjudication Fund in the State Treasury to provide an alternative adjudication process for juveniles charged with traffic offenses and other misdemeanors; the Department of Finance and Administration shall administer and disburse the Fund. Increases the Judicial Education Fee from \$2.00 to \$3.00. Does not affect municipal courts. Effective 6/19/09.

Chapter 246
HB 297

PROPERTY TAX ON MUTUAL DOMESTIC ASSOCIATIONS (Heaton). Amends §7-36-28. Exempts commercial water property owned or sold by a nonprofit mutual domestic water association from property tax. Applies to tax years on or after January 1, 2010. Effective 6/19/09.

Chapter 249
HB 531

PART-TIME OFFICERS IN CRIMINAL & TORT ACTS (Campos, J). Amends §§31-1-2 & 41-4-3. Expands the definition of "police officer" in the Criminal Procedure Act to include "certified part-time salaried" officers enabling the certified part-time salaried officers to enforce criminal laws in addition to traffic citations. Amends the Tort Claims Act to add "certified part-time salaried police officer employed by a governmental entity" to the definition of "law enforcement officer". Effective 6/19/09.

Chapter 250

***HB 318**

HOMELAND SECURITY AS CABINET DEPARTMENT (Varela). Amends §§3-18-7; 9-28-2, 3, 4, 6; 15-8-6. Makes the current Homeland Security and Emergency Management Department a cabinet level department; moves the responsibility for coordinating the national flood insurance program and assisting municipalities and counties with technical advice from the Department of Public Safety to the Homeland Security and Emergency Management Department; the Department shall be considered a criminal justice law enforcement agency in order to accomplish the Department's purposes. EMERGENCY CLAUSE. Effective 4/7/09.

Chapter 251

FL/CS/SB 685

et al

STATE ELECTION CODE: ABSENTEE BALLOT HANDLING & VOTING. New material authorizes County Commissioners to designate mail ballot precincts if upon written request of the County Clerk, it finds that the precinct has fewer than 50 voters and the nearest polling place for an adjoining precinct is more than 30 driving miles distant from the polling place in question. Authorizes the County Clerk, upon written request, to provide at least one alternative early voting or mobile voting location on an Indian nation, pueblo or tribe. Amends §1-6-5 to allow a voter marking an absentee ballot to be assisted by one person of the voter's choice; if the county clerk establishes an additional alternate voting location near the clerk's office, absentee ballots may be marked in person during regular business hours beginning on the 28th day preceding the election and during hours for voting at alternative locations commencing on the third Saturday prior to the election and ending on the Saturday immediately prior to the election; mobile alternative voting locations in rural areas may be set up temporarily in specific precincts during the period when early voting is allowed at alternative sites. New language requires county clerks, no later than 90 days prior to an election, to publicly fix the hours of operation for alternative voting locations; each location is to be open for at least eight consecutive hours which could include evenings; locations may be closed Sundays and Mondays during early voting; each alternate location shall have the following unless the county clerk receives a written waiver from the Secretary of State specifying the location and specific provision being waived: 1) ballots available for voters from every precinct in the county; 2) at least one optical scan tabulator programmed to read every ballot style; 3) at least one voting system available to assist disabled voters; 4) a broadband internet connection; 5) sufficient spaces for at least five voters to simultaneously and privately mark ballots, with at least one of the spaces wheelchair-accessible; 6) a secure area for storage of ballots or storage of a ballot on demand printing system; and 7) be in a location that is accessible and compliant with the requirements of the ADA. Amends §1-6-6 to require absentee ballots to be sent to applicants beginning 28 days before the election; for each application for an absentee ballot received 23 or more days before the election, the County Clerk shall send either the ballot or a notice of rejection to the applicant as soon as practicable, provided it is sent not later than 22 days before the election; within 22 days of the election, the County Clerk shall send either the ballot or rejection notice to the applicant within 24 hours after receipt of the application for an absentee ballot. Upon request, the County Clerk shall transmit to the county chair of each of the major political parties in the county a complete copy of entries made in the absentee ballot register. A federal elector or overseas elector may return the absentee ballot electronically if: 1) they sign a statement under penalty of perjury waiving the right of secrecy of the voter's ballot; 2) the voter transmits the statement with the absentee ballot; and 3) the transmission of the ballot and statement are received no later than 7 p.m. on election day; repeals §1-6-7 NMSA 1978. Effective 6/19/09.

Chapter 252

SB 303

FIREFIGHTER OCCUPATIONAL DISEASE (Sanchez, M.) New material; if a firefighter is diagnosed with one of several enumerated diseases and during a specific time frame for each disease, then that disease is presumed to have been proximately caused by their employment; enumerated diseases must not have been present during a pre-employment physical exam or a subsequent exam pursuant to regulations in the Occupational Safety and Health Act; the presumption may be rebutted by a preponderance of evidence in a court of competent jurisdiction showing that the firefighter engaged in conduct or activities outside of employment that posed a significant risk of contracting a described disease; if a firefighter is diagnosed with a heart injury or stroke suffered within 24 hours of fighting a fire, while responding to an alarm, while returning from an alarm call, while engaging in supervised

physical training or while responding to or performing in a non-fire emergency, the heart injury or stroke is presumed to be proximately caused by the employment as a firefighter; the heart/stroke injury presumption shall not be made if the firefighter's employer does not have a current physical training program and the firefighter does not have a current medical screening examination or review pursuant to the OSHA; the presumptions shall not preclude a firefighter from demonstrating a causal connection between employment and disease or injury by a preponderance of evidence in court; medical treatment based on the presumptions shall be provided by an employer as for job-related illness or injury unless a court determines that the presumption does not apply. If the court determines the presumption does not apply or that the illness or injury is not job-related, the employer's Workers' Compensation insurance shall be reimbursed for health costs by medical or health insurance plans provided for the firefighter by the employer. Effective 7/1/10.

Chapter 253

CS/SB 26

MOTOR VEHICLE THEFT & EMBEZZLEMENT. Amends §§30-16D-1, -4, -5, -6; 30-42-3; 66-3-501, -502, -507; enacts new 30-16D-2, -5 & -3. Enhances and changes the elements of the penalties for unlawful taking of a vehicle or motor vehicle as follows: for first offense - 4th degree felony; second offense - 3rd degree felony; and third or subsequent offense - 2nd degree felony. Deletes the section giving district courts exclusive jurisdiction over these offenses. Enacts new crimes of embezzlement of and fraudulently obtaining a vehicle or motor vehicle and sets the same penalties as above for unlawful taking. Also sets the same penalties as above for receiving or transferring a stolen vehicle; retains the misdemeanor penalty for injuring or tampering with a vehicle but removes the minimum and maximum prison sentence requirement; makes it a 4th degree felony to alter or change the engine serial or other numbers; adds to the Racketeering Act unlawful taking of a vehicle, embezzlement, fraudulently obtaining, receiving or transferring, and altering numbers; allows officers and vehicle owners to report stolen vehicle information to the appropriate law enforcement agency as well as the New Mexico State Police; adds engine components and component numbers to those elements of the crime of altered vehicle identification numbers and for purposes of impoundment. Effective 7/1/09.

Chapter 254

CS/SB 275

INTERLOCKS & DWI LICENSE REQUIREMENTS. Amends §66-5-33.1; whenever a license has been suspended or revoked for DWI and an application for reinstatement is made, the person must provide the Motor Vehicle Division with proof of: 1) payment of an additional \$75 fee; 2) completion of the license revocation period; 3) satisfaction of any court-ordered ignition interlock requirements; and 3) a minimum of six months of driving with an ignition interlock license with no attempts to circumvent or tamper with the interlock device. Effective 7/1/09.

Chapter 255

SB 4

CRIMINAL DAMAGE OF HOUSEHOLD PROPERTY (Adair). Creates a new section; criminal damage to property of a household member is intentionally damaging real, personal, community or jointly owned property of a household member with the intent to intimidate, threaten or harass that household member; deprivation of the property of a household member consists of intentionally depriving a household member of the use of separate, community or jointly owned personal property of the household member with the intent to intimidate or threaten that household member. Penalty for damage of property is a misdemeanor unless the damage to the interest of the household member is greater than \$1,000, which is a fourth degree felony; deprivation of property is a misdemeanor. Effective 6/19/09.

Chapter 259

CS/HB 117

CHILDREN IN METH HOUSES AS CHILD ABUSE. Amends §30-6-1 of the Criminal Code. Adds an element to the offense of child abuse evidence that demonstrates that a child has been knowingly and intentionally exposed to the use of methamphetamine; that evidence is considered prima facie evidence of abuse of the child. Effective 6/19/09.

Chapter 261
CS/HB 31

MOTOR VEHICLE THEFT & EMBEZZLEMENT. Amends §§30-16D-1, -4, -5, -6; 30-42-3; 66-3-501, -502, -507; enacts new 30-16D-2, -5 & -3. Changes the elements of and enhances the penalties for unlawful taking of a vehicle or motor vehicle as follows: for first offense - 4th degree felony; second offense - 3rd degree felony; and third or subsequent offense - 2nd degree felony. Deletes the section giving district courts exclusive jurisdiction over these offenses. Enacts new crimes of embezzlement of and fraudulently obtaining a vehicle or motor vehicle and sets the same penalties as above for unlawful taking. Also sets the same penalties as above for receiving or transferring a stolen vehicle; retains the misdemeanor penalty for injuring or tampering with a vehicle but removes the minimum and maximum prison sentence requirement; makes it a 4th degree felony to alter or change the engine serial or other numbers; adds to the Racketeering Act unlawful taking of a vehicle, embezzlement, fraudulently obtaining, receiving or transferring, and altering numbers; allows officers and vehicle owners to report stolen vehicle information to the appropriate law enforcement agency as well as the New Mexico State Police; adds engine components and component numbers to those elements of the crime of altered vehicle identification numbers and for purposes of impoundment. Effective 7/1/09.

Chapter 262
HB 353

PERA: VOLUNTEER FIREFIGHTER RETIREMENT PROCEDURES (Trujillo). Amends §§10-11A-2, 10-11A-4, -5, -6, & -7; enacts one new section. Includes in the definition of “member” under the Volunteer Firefighters Retirement Act that a volunteer firefighter who receives reimbursement for personal out-of-pocket costs shall not be considered a salaried firefighter. Requires the Public Employees Retirement Association (PERA) to move a member’s information file from the active to an inactive database if qualifying documentation for the member has not been provided to PERA for five consecutive years; information in the inactive database shall not be included in the PERA Board’s annual actuarial evaluation of the Fund; a member’s information file shall be returned to the active database if PERA receives new qualifying documentation. Reduces from 75% to 50% the percentage of scheduled fire drills and business meetings for which the fire department held the member responsible to attend in order for a member to claim one year of service credit. The chief is now required to submit documentation of the qualifications for each member instead of the records of attendance for emergency response calls, fire drills and business meetings. Allows a member to post or adjust service credit earned for one or more calendar years beginning on or after January 1, 1979, provided they acknowledge the truth of the records under oath and have the notarized form signed by either the respective mayor or county commission chair. PERA may request the State Fire Marshal’s division to verify member qualifications submitted. Authorizes a member to designate a spouse or dependent child as a beneficiary; however, the annuity paid to a beneficiary dependent child shall cease upon the child reaching 18 years of age or upon the child’s death, whichever comes first. Applies a 2003 law eliminating a maximum age for a volunteer nonsalaried firefighter to establish a first year of service credit to volunteer firefighters who were listed as an active member on the rolls of a fire department before that law’s effective date; a volunteer firefighter who retired before the effective date of the 2003 law is entitled to receive retirement benefits under the Act if otherwise qualified. Effective 6/19/09.

Chapter 265
FL/CS/HB 70

SAFER CIGARETTE & FIREFIGHTER PROTECTION ACT. Enacts the “Fire-Safer Cigarette and Firefighter Protection Act.” Cigarettes shall not be sold in New Mexico unless the cigarettes have been tested to certain performance standards, a written certification has been filed by the manufacturer with the State Fire Marshal, and the cigarettes have been properly marked. The testing of cigarettes shall be conducted in accordance with an American Society of Testing and Materials standard method of measuring the ignition strength of cigarettes; no more than 25% of cigarettes tested in a test trial shall exhibit full-length burns. A manufacturer or wholesale dealer who knowingly sells cigarettes in violation of this Act may be assessed a civil penalty not to exceed \$100 for each pack of cigarettes sold and shall not exceed \$100,000 for sales during any 30-day period; a retail dealer who knowingly sells cigarettes in violation is subject to up to \$100 for each pack sold not to exceed \$25,000 for sales during a 30-day period; sets penalties for a corporation that files false certification; sets civil penalties; authorizes a law enforcement agency or the Fire Marshal’s office to seize any cigarettes for which no certification has been filed or that have not been properly marked; the seized cigarettes shall be destroyed but the Attorney

General and the holder of the trademark rights shall be permitted to inspect them before they are destroyed; authorizes the Attorney General to file an action for violations of the Act; authorizes the State Fire Marshal to promulgate rules; authorizes the Taxation and Revenue Department to conduct inspections; authorizes the Attorney General, Taxation and Revenue Department, State Fire Marshal and other law enforcement personnel to examine books, papers, invoices and other records of any person in possession, control or occupancy of premises where cigarettes are placed, stored, sold or stocked; creates a Fund into which appropriations, certification fees and penalties are placed to be used for enforcement of the Act and to support fire safety and prevention programs. Preempts cities, counties, home rule municipalities and other political subdivisions from adopting or continuing in effect any ordinance, rule or resolution on cigarette testing and standards; also preempts any local law or regulation that conflicts with this Act or any policy of the State implemented in accordance with this Act. Effective January 1, 2010, except for Section 7 dealing with promulgation of rules by the State Fire Marshal and authority to inspect cigarettes by the Tax Department. Effective 6/19/09.

Chapter 266

HB 706

FIRE PROTECTION COUNCIL APPOINTEE EXCLUSIONS (O'Neill). Amends §59A-53-19. Eliminates the provision that no appointee to the Fire Protection Grant Council may be an active member of a municipal fire department or a county fire district. Effective 6/19/09.

Chapter 269

CS/HB 40

PROHIBIT CONDEMNATION BY MUNICIPALITIES. Amends §§3-27-1 thru 3-27-3. Prohibits municipalities from condemning water sources used by, water stored for the use by, or water rights owned or served by an acequia formed before July 1, 2009, a community ditch formed before July 1, 2009, irrigation district, conservancy district or political subdivision of the state; authorizes the parties to an action to condemn a well, cistern, reservoir, distribution pipe or ditch, spring, stream, water or water right to agree to and carry out a compromise or settlement as to any matter; also authorizes the condemnee to elect to proceed through an arbitration process pursuant to the Uniform Arbitration Act by filing a written notice with the municipality within 20 days after the municipality files the petition to condemn; the arbitrators may award an amount they find to be just compensation; the arbitrators may decide the interests of justice are not served by permitting the taking of the condemnee's water or water rights and may order that the arbitration be dismissed and that the property not be taken by the municipality; if the award of the arbitrators exceeds the amount offered by the municipality by more than 115%, or if the arbitrators decide that no taking shall occur, or if the arbitration is abandoned by the municipality, then the arbitrators shall award reasonable and necessary arbitration expenses, including attorney fees, to the condemnee. Prior to commencing a condemnation proceeding pursuant to this Section, the municipality shall have reasonably satisfied the following criteria: (1) the municipality has a requirement for water or water rights for public health or safety purposes; or, (2) has a requirement for water or water rights for other purposes, and: suitable water rights are unavailable for voluntary sale at up to 125% of appraised value; suitable water rights in the public domain are unavailable for purchase at up to 125% of appraised value; the municipality has implemented a water conservation plan; and, the acquisition and purpose is consistent with the regional water plan. Adds protecting water facilities to the reasons a municipality may not act so as to physically isolate and make nonviable any portion of the water facilities, within or outside the municipality. Effective 6/19/09.

Chapter 270

CS/HB 572

SOLAR ENERGY IMPROVEMENT SPECIAL ASSESSMENTS. Enacts 9 new sections. Authorizes a board of county commissioners to provide, by ordinance, for special assessments for solar energy improvements on single-family residential or commercial property within the boundaries of the county, if the property owner requests the assessment; the purpose of the assessment is to increase access to the benefits of solar technology improvements by participating in a voluntary special assessment on property, which can be used to facilitate financing arrangements for the "eligible solar energy improvements", defined as photovoltaic or solar thermal systems; proceeds from the special assessment shall be disbursed solely for the purpose of financing the solar energy improvements to that property and paying applicable administrative fees to the county. The Regulation and Licensing Department shall promulgate rules for certification of financial institutions or other entities as solar energy improvement

financing institutions; the county treasurer shall enter into an agreement with these institutions to provide financing to the property owners specifying the procedures to transfer the assessment revenue to the institution. Effective 7/1/09.

Chapter 274
HB 583

STATE ELECTION CODE: SMALL PRECINCT ABSENTEE VOTING (Rodella). Enacts one new section of the State Election Code; amends §1-3-2, -7. Authorizes a board of county commissioners to designate a precinct as a mail ballot election precinct if, upon a written request of the county clerk, it finds the precinct has fewer than 50 voters and the nearest polling place for an adjoining precinct is more than 30 miles; if the precinct is designated a mail ballot election precinct, the county clerk shall notify, by registered mail, all voters in that precinct at least 40 days before an election that each voter will be sent an absentee ballot 28 days before the election and that there will be no polling place for the precinct on election day; the County Clerk shall include in the notice a card informing the voter that if the voter does not want to receive an absentee ballot, the voter should return the card before the date scheduled to mail out absentee ballots; the card shall also inform the voter that a voting system equipped for persons with disabilities will be available at all early voting sites before election day and in the county clerk's office on election day in case the voter prefers to vote in person and not by mail. The clerk shall keep a sufficient number of ballots so that if a voter does not receive an absentee ballot before election day, the voter may vote in the county clerk's office on election day. Effective 7/1/09.

Chapter 275
CS/HB 622

GREEN JOBS BUILDING ACT. Enacts the Green Jobs Building Act for the Higher Education Department, in coordination with existing apprenticeship programs, to develop a state plan for development of green jobs training programs with a focus on rural and tribal communities no later than the end of fiscal year 2010; the Department shall develop the plan: (1) for coordination of a state research program with the Workforce Solutions Department to collect labor market data and track work force trends from renewable energy and energy-efficiency industries and energy-related initiatives; (2) for a municipal and tribal energy training partnership program in which the Department awards competitive grants to higher education institutions in partnerships with cities, towns, counties and tribes to administer green jobs training programs for defined green industries; and, (3) for a pathways out of poverty program to award competitive grants to higher education institutions in partnerships to administer green jobs training programs directed specifically at disadvantaged target populations, as defined. Creates a Green Jobs Fund, administered by the Department of Finance and Administration, into which monies from the federal Green Jobs Act of 2007 and other transfers, appropriations, grants and donations are placed to fund green jobs training programs. The Department is required to submit to the legislature and the Governor annual detailed reports on the expenditures and progress of the green jobs training programs. Effective 7/1/09.

Chapter 278
HB 647

MUNICIPAL ELECTION CODE CHANGES (Campos, J). This 81-page bill modifies, updates and simplifies certain procedures in the Municipal Election Code. Removes all references to emergency paper ballots and redefines ballots; enacts a new definition of "voting machine"; inserts the same definition of "qualified elector" as is used throughout Chapter 3 and as currently defined in §3-1-2K; allows the municipal clerk to designate a single polling place for an election if there is only one candidate filed for each position, there are no declared write-in candidates, and there are no questions or bond issues on the ballot; allows the clerk to use alternate means in addition to a telephone when attempting to contact a candidate; changes term election "school" to "training"; adds not being able to operate a machine or mark a ballot to the reasons a voter may request assistance; requires the name of the person providing assistance to be recorded on the signature roster; adds to the declaration of candidacy form the additional requirement for a convicted felon who files a candidacy to state that they have not only had voting rights restored but they have also received a certificate or pardon from the Governor; moves the date for filing of write-in candidates to one week earlier, from the 42nd to the 49th day prior to the election and also changes the certification, posting and write-in candidate withdrawal dates accordingly; removes the current three-minute time limit for a voter to occupy a voting booth and adds new language to state that no more than one voter shall be permitted at the voting machine at one time, unless being assisted;

updates current procedures relating to the number of copies needed of the election returns and to the current procedure of using one signature roster and a voter checklist. In the Absentee Voting section, changes the definitions of “absent uniformed services voter”, “federal qualified elector, and “overseas voter” to comport with definitions in the State Election Code; removes the requirement that an application for absentee voting must be requested by the voter or member of the voter’s immediate family and that a list of those requesting the applications be kept as part of the absentee ballot register; removes the requirement that an application contain the option for the applicant to supply a social security number; simplifies the language relating to rejection of an absentee ballot and removes the ability to appeal a rejected application; enacts a new section termed “early voting” and defines an “early voter” as one who votes in person before election day and not by mail (“early” voting begins the same time as voting using machines begins currently, at 20 days prior to the election); updates the print color of official envelopes for federal and overseas voters from blue to black; allows a caregiver to a voter to deliver an absentee ballot; changes the date for destruction of unused absentee ballots to the Friday prior to the election to coincide with the time absentee voting ends; adds “knowingly” to the penalty of furnishing an absentee ballot to anyone not entitled to one; sets procedures for determining when a vote shall be counted when hand counting ballots. Repeals §3-8-15, relating to use of emergency paper ballots; and §3-8-40.1, a duplicate section relating to certificate voting. Effective 6/19/09.

Chapter 282
SB 318

DEVELOPMENT TRAINING FUNDS FOR GREEN JOBS (Griego, E.) Amends §21-19-13 of the Apprentice Assistance Act to appropriate up to \$1 million annually for dedicated training in green industries; green industries are defined as industries that contribute directly to preserving or enhancing environmental quality by reducing waste and pollution or by producing sustainable products using sustainable processes and materials; green industries include the following: energy systems; production and distribution of biofuels; building design and construction; organic and community food production; manufacture of non-toxic and recycled materials; manufacture and production of sustainable technologies, including solar panels and wind turbines; solar technology installations; recycling, green composting and large-scale re-use of construction and demolition materials; and water system retrofits to increase water efficiency and conservation. Effective 6/19/09.

Chapter 283
SB 336

TIERED FINANCIAL REPORTING FOR STATE ENTITIES (Sapien). Amends §12-6-2 of the Audit Act to include in the definition of “agency” a local public body that is a mutual domestic water consumers association, a land grant, an incorporated municipality or a special district; amends §6-6-1 to exclude from the definition of a “local public body” those mutual domestic water associations, land grants, municipalities or special districts with annual revenues of less than \$10,000, exclusive of capital outlay and grant funds; amends §12-6-3 that annual audits and financial affairs of local public bodies shall be determined according to its annual revenue; all examinations and compliance with agreed-upon procedures shall be conducted in accordance with generally accepted accounting standards and rules of the State Auditor. A body with revenues of \$50,000 or less must comply with the basic reporting standards in §6-6-3; if revenues are less than \$50,000 and it directly expends at least 50% on a single capital outlay project or the remainder on a single project, the body shall submit to the State Auditor a financial report focused solely on the project’s funds, the economic feasibility of the project and a mutual determination with the local body and the State Auditor. Local public bodies with revenue between \$50,000 and \$250,000 shall submit to the State Auditor a financial report that includes a schedule of cash basis comparison that is narrowly tailored to the local public body, that is economically feasible and is mutually determined with the State Auditor; bodies with revenues between \$250,000 and \$500,000 shall submit, at a minimum, a compilation of financial statement and a financial report; those with revenues of \$500,00 or more shall be audited by the State Auditor. The Local Government Division shall inform the State Auditor of the compliance or failure to comply by a local public body with the minimum reporting required in §6-6-3. Provides a waiver of compliance of a local public body not in compliance with the Audit Act between January 1, 2007 and July 1, 2010 if the local public body complies with the provisions of the Act in effect on or after July 1, 2010, unless the local public body is required to receive a full financial audit pursuant to the Act on or after July 1, 2010. Effective 7/1/10.

Chapter 284

CS/SB 324

MUNICIPAL ENVIRONMENTAL SERVICES GROSS RECEIPTS RATE. Amends §7-19D-10 to authorize Ruidoso and Ruidoso Downs to enact a Municipal Environmental Service Gross Receipts Tax of ½ percent which is to be imposed in increments of ¼ percent; removes the requirement that home rule cities must hold a referendum on imposition of the 1/16th percent Municipal Environmental Gross Receipts Tax. Effective 6/19/09.

Chapter 285

CS/HB 683

PERA: RETIRED PUBLIC EMPLOYEE RETURNING AS ELECTED OFFICIALS. Amends §10-11-8. Allows retired members to return to work with an affiliated employer as an elected official without a break in service and without the requirement of employee or employer contributions; the retired member is required to file an irrevocable exemption from membership in PERA within 30 days of taking office which shall be in effect for the elected official's term of office. Effective 7/1/09.

Chapter 287

HB 351

RETIREE HEALTH CARE FUND CONTRIBUTIONS (Varela). Amends §10-7C-15. Defines "member of an enhanced retirement plan" as a member of the Public Employees Retirement Association who is included in: state police member and adult correctional officer member coverage plan 1; municipal police member coverage plan 3, 4, or 5; municipal fire member coverage plan 3, 4, or 5; or municipal detention officer member coverage plan 1; or a member pursuant to the provisions of the Judicial Retirement Act. Increases the employer contributions to the Retiree Health Care Fund for participating employees who are not members of an enhanced retirement plan; the employer's contribution shall equal: (1) 1.3% of employee's salary for the period July 1, 2002 to June 30, 2010; (2) 1.666% from July 1, 2010 to June 30, 2011; (3) 1.834% from July 1, 2011 to June 30, 2012; and, (4) 2% beginning July 1, 2012. For employees who are members of an enhanced retirement plan, the employer's contribution shall be: (1) 1.3% from July 1, 2002 to June 30, 2010; (2) 2.084% from July 1, 2010 to June 30, 2011; (3) 2.292% from July 1, 2011 to June 30, 2012; and, (4) 2.5% beginning July 1, 2012. Increases the employee's contribution for those who are not members of an enhanced retirement plan as follows: 1) .65% of employee's salary for period July 1, 2002 to June 30, 2010; 2) .833% from July 1, 2010 to June 30, 2011; 3) .917% from July 1, 2011 to June 30, 2012; and, (4) 1% beginning July 1, 2012. For those employees who are members of an enhanced retirement plan the contribution shall be: (1) .65% from July 1, 2002 to June 30, 2010; 2) 1.042% from July 1, 2010 to June 30, 2011; 3) 1.146% from July 1, 2011 to June 30, 2012; and, (4) 1.25% beginning July 1, 2012. Effective 6/19/09.

Chapter 288

***CS/CS/**

HB 573

PERA: ADJUSTMENT OF RETIREMENT PLANS. Increases the employer contributions to the Retiree Health Care Fund for participating employees who are not members of an enhanced retirement plan as follows. The employer's contribution shall equal: (1) 1.3% of employee's salary for the period July 1, 2002 to June 30, 2010; (2) 1.666% from July 1, 2010 to June 30, 2011; (3) 1.834% from July 1, 2011 to June 30, 2012; and, (4) 2% beginning July 1, 2012. For employees who are members of an enhanced retirement plan, the employer's contribution shall be: (1) 1.3% from July 1, 2002 to June 30, 2010; (2) 2.084% from July 1, 2010 to June 30, 2011; (3) 2.292% from July 1, 2011 to June 30, 2012; and, (4) 2.5% beginning July 1, 2012. Increases the employee's contribution for those who are not members of an enhanced retirement plan as follows: (1) .65% of employee's salary for period July 1, 2002 to June 30, 2010; 2) .833% from July 1, 2010 to June 30, 2011; 3) .917% from July 1, 2011 to June 30, 2012; and, (4) 1% beginning July 1, 2012. For those employees who are members of an enhanced retirement plan the contribution shall be: (1) .65% from July 1, 2002 to June 30, 2010; 2) 1.042% from July 1, 2010 to June 30, 2011; 3) 1.146% from July 1, 2011 to June 30, 2012; and, (4) 1.25% beginning July 1, 2012. On or after July 1, 2009 no person who has obtained service credit pursuant to §10-11-6 (B) (subsequent employment by U.S. Government) or §10-11-7 (active duty in uniformed services) may enroll with the Retiree Health Care Authority unless they make a contribution equal to the full actuarial present value of the amount of the increase in the person's health care benefit. Defines "member of an enhanced retirement plan" as a member of the PERA who is included in: state police member and adult correctional officer member coverage plan 1; municipal police member coverage plan 3, 4, or 5; municipal fire

member coverage plan 3, 4, or 5; municipal detention officer member coverage plan 1, or member under the Judicial Retirement Act. Changes the age and service credit requirements for municipal general coverage Plans 1, 2, 3 & 4 for normal retirement for those beginning work with an affiliated employer on June 30, 2010 to: age 67 or older and five or more years service credit; any age if the sum of the member's age and years of service credit is at least 80; or, any age and 30 or more years of service credit. Does not affect municipal police, fire or detention officer plans. Requires the Retirement Board to provide annually at least 8 hours of training in pension fund investing, fiduciary obligations or ethics; any member who fails to attend for two consecutive years shall be deemed to have resigned. Also makes changes to the Educational Retirement Act. Creates a temporary 25-member "Retirement Systems Solvency Task Force" to study the actuarial soundness and solvency of the PERA and ERA retirement plans and the Retiree Health Care Authority health care plan; the solvency plans and recommendations are due to the appropriate interim committee, the Legislative Finance Committee and the Governor by October 1, 2010. Sections 1-5, 11, 13, 16 and 18 are effective July 1, 2009; Sections 6-10, 12, 14, 15, 17 and 20 are effective July 1, 2011. EMERGENCY CLAUSE. Effective 4/10/09.

MEMORIALS OF INTEREST

- HJM 8** **CAPITOL PLAQUE FROM LOS ALAMOS COUNTY (Rep. Wallace & Sen. Cisneros).** The memorial states that the Legislature approves the acceptance and installation in the Capitol of a plaque donated by Los Alamos dedicated to the people of New Mexico thanking them for their assistance during and after the 2000 Cerro Grande fire.
- HJM 51** **EMS FUND FOR DEFIBRILLATORS (Anderson).** Requests the Department of Health to study the merits of expanding the Emergency Medical Services Fund to allow qualified entities to receive funding for defibrillators and relevant training under the Cardiac Arrest Response Act; report is due to the appropriate interim committee by November 30, 2009.
- HJM 57** **VOLUNTARY HEALTH INSURANCE EXCHANGE STUDY (Taylor).** Requests the Insurance Division of the Public Regulation Commission to form a task force to study a voluntary health insurance exchange to provide individuals and employers with greater access to, and greater choice, portability and affordability of health insurance products. The findings and recommendations of the task force are due to the interim legislative Health and Human Services Committee by November 1, 2009.
- HJM 64** **ALBUQUERQUE ALAMEDA BLVD. TRAFFIC STUDY (O'Neill).** Requests the Department of Transportation to work with the City of Albuquerque and Bernalillo County to conduct a traffic study of Alameda Blvd. Northwest to include analyzing what additional safety improvements, infrastructure improvements and traffic restrictions are necessary on Alameda between its intersections with I-25 and Coors Northwest.
- HJM 66** **STUDY COURT USE OF AUDIO-VIDEO TECHNOLOGY (Cook).** Requests the Attorney General's office to create a task force to study the viability and merit of allowing audio-video technology in court proceedings; the task force is to include a member representing municipal law enforcement appointed by the Municipal League, a county law enforcement member appointed by the Association of Counties, representatives of the public defenders, and appropriate advocacy groups with an interest in issues of crime or justice; recommendations are due to the appropriate interim committee no later than November 2, 2009.
- HJM 73** **INTERCEPTION OF MONEY FOR UNPAID FINES & FEES (Nuñez).** Requests Congress to enact federal legislation that would add unpaid local and state fines and fees to those delinquent obligations that can be intercepted through the U.S. Treasury offset program; states that outstanding fines and fees ordered by courts in New Mexico total \$2.5 million.

- CS/HJM 77 MV: RISK OF HYBRID CARS TO BLIND PEOPLE.** Requests the Traffic Safety Bureau of the Department of Transportation to convene a task force and provide necessary staff support to study the risk of hybrid and other quiet cars to the blind and others; requests that the task force include: representatives of the Motor Vehicle Division, the Aging and Long-Term Services Department and the National Federation of the Blind; an individual who is certified as an orientation and mobility instructor of the blind; at least one person representing the interests of the automotive manufacturing industry; a representative of the New Mexico Auto Dealers Association; and others members the task force deems appropriate. The task force is to study the following: 1) the effects of vehicle sound on pedestrian safety; and 2) the available technology that may enhance the safety of blind pedestrians; all available research regarding the effects of vehicle sound on pedestrian safety. The task force is also to consult with consumer groups that represent the blind, pedestrians and bicyclists and advocates for safety of children and conduct meetings for input from experts in the fields of acoustics, automobile design, environmental quality, pedestrian safety and other relevant fields. The task force is to identify and evaluate barriers to implementation, necessary regulations and potential; costs of implementing such measures; a report is due to the Health and Human Services Committee by July 1, 2010.
- HM 5 REVIEW STATE TRANSPORTATION NEEDS (Gonzales).** Requests the Secretary of Transportation to appoint a technical committee to develop data and information regarding influences on the future outlook of transportation in New Mexico and alternative funding strategies to be available for use by decision-makers to aid in addressing sustainable transportation systems for the state; the committee is also to study tying together land use and transportation improvements to provide for anticipated job and housing growth while reducing greenhouse gas emissions. Committee members include representatives of DOT, Taxation and Revenue, Federal Highway Administration, contractors, engineers, New Mexico Passenger Transportation Association, regional planning organizations, municipal planning organizations, the Municipal League, the New Mexico Association of Counties and the New Mexico Trucking Association.
- HM 39 VETERANS' HEALTH CENTER NEAR ANGEL FIRE (Garcia, T).** Requests the Veterans' Services Department, the Economic Development Department, the Tourism Department and the Village of Angel Fire to study the feasibility of developing a veterans' health and healing center in the Moreno Valley in northern New Mexico and submit their findings to the legislature by November 1, 2009.
- HM 44 ALBUQUERQUE: CASA GRANDE LINEAR PARK WALKING PATH (Hall).** Requests the City of Albuquerque to collaborate with Public Service Company of New Mexico to study the feasibility of creating a walking path within Casa Grande Linear Park.
- HM 57 FEDERAL FUNDS FOR TRANSPORTATION PROJECTS (Lujan, B).** Requests the Secretary of Transportation to designate regional transit district capital project needs as appropriate projects for funding from the American Recovery and Reinvestment Act of 2009 and to present the North Central Regional Transit District's bus facility and bus projects to the State Transportation Commission and the Governor for funding out of New Mexico's portion of the federal Act.
- HM 60 REVIEW OF ANNEXATION BILLS (Bandy).** Requests Legislative Council Service to direct the appropriate committee to hear testimony from key informed stakeholders regarding annexation and to write legislation to clarify municipal annexation authority for consideration at the 2010 legislative session; states that few participants can understand §3-7-17 (the petition method section of the municipal annexation laws).
- HM 68 MV: TRAFFIC VIOLATION CITATION SYSTEM STUDY (King).** Requests the Administrative Office of the Courts, Motor Vehicle Division and Department of Public Safety to form a work group to study and evaluate other states' systems of citing drivers for traffic violations and compare their systems with New Mexico's; cites that there are only seven other states where a decision is made at the time of a traffic stop as to whether the stop will be contested in court; proposed legislation to fix the current system is due to the Legislative Finance Committee and appropriate interim committee by November 1, 2009.

- CS/HM 76 MV: IMPACT OF MANDATORY CAR INSURANCE.** Requests the Human Services Department, in collaboration with the Motor Vehicle Division, to consider the potentially negative impact of mandatory automobile liability insurance on low-income households; asks that consideration be given to creating an affordable alternative to the requirement to purchase auto liability insurance for households between 100% and 250% of the federal poverty levels; also asks that consideration be given to applying the guidelines utilized in other Human Services Department programs, such as temporary assistance for needy families, food stamps and Medicaid, to the purchase of auto liability insurance.
- HM 90 DEVELOPMENT DISTRICT STUDY TASK FORCE (Barela).** Requests the Legislative Council to create a task force to study the status, merit, use and impact of the various districts authorized in statute created to aid development in the state; examples include tax increment development districts, infrastructure development zones, public improvement districts, business improvement districts, and metropolitan development areas; the task force shall include members who are legislators and stakeholders, such as developers, representatives of local government, county assessors, urban planners, economists and municipal finance experts, and legislative and state agency experts on development districts; requires that information be gathered from knowledgeable and involved individuals who either support or express concerns about development districts.
- HM 100 STUDY FORFEITURE OF DRUG-CRIME PROPERTIES (Strickler).** Requests the Attorney General's office to convene a task force to study the potential for and appropriateness of forfeiture of real property that is used to commit a violation of the Controlled Substances Act; the task force shall include representation from the District Attorneys Association, public defenders, New Mexico sheriffs and police associations, and the Drug Policy Alliance; the study shall consider the differences between federal and state law regarding forfeiture of property in these circumstances and evaluate whether there is a benefit to aligning state law with federal law. Findings and recommendations are due to the appropriate interim committee by October 31, 2009.
- HM 115 DETENTION OF 18-21 YEAR-OLD YOUTHS POLICY (Miera).** Requests the Children, Youth and Families Department to convene a working group of persons involved with youth in the juvenile justice system to create a policy for the detention of youth 18 to 21 years of age; the group is to include jail and juvenile detention center administrators, representatives from the New Mexico Association of Counties, the Administrative Office of the Courts, Public Defender Department, District Attorney's Association, New Mexico Association of Chiefs of Police, statewide entity for behavioral health, Corrections Department and youth advocates. The group is to make recommendations on changes needed to state law to protect the rights and safety of all parties.
- HM 118 ECONOMIC DEVELOPMENT TOOL EFFECTIVENESS (Arnold-Jones).** Requests the Legislative Council to task the interim Revenue Stabilization and Tax Policy Committee with the following: 1) reviewing and evaluating the fiscal impacts of tax incentives, special districts and bonding authorizations designed to expand economic development on the state and local governments' budgets; 2) determining effectiveness in terms of job creation of the incentives designed to expand economic development; 3) reviewing the legislative proposals for economic development from the 2009 First Session to check for possible duplication from other sessions; 4) determining whether the current incentives and bonding authorizations have been sound investments for the state and local governments; 5) assessing the incentives, special districts and bonding authorizations to determine if the current economic development tools encroach on the powers of existing governmental entities and whether these additional subdivisions of the state could result in an increased fiscal impact on taxpayers; 6) identifying similar economic development tools used in other states as to their effectiveness; and 7) determining the appropriate role of public-private partnership in economic development. Requests expertise from the Legislative Finance Committee, the Taxation and Revenue Department, the Economic Development Department, the New Mexico Association of Counties, the New Mexico Municipal League, the New Mexico Tax Research Institute and any other source that can provide unbiased analyses.
- HM 120 ENSURE CITY OF SANTA FE DRINKING WATER SAFETY (Egolf).** Urges the National Nuclear Security Administration of the U.S. Department of Energy to actively work with the Buckman Direct

Diversion Board and the Los Alamos National Laboratory to ensure the safety of Santa Fe's drinking water; also asks the New Mexico Congressional delegation to join in the request; requests the regional representatives of the National Nuclear Security Administration immediately resume negotiations regarding the memorandum of understanding so that a resolution can be reached.

- SJM 18** **STUDY BARRIER ON RIO GRANDE GORGE BRIDGE (Cisneros).** Requests that the Department of Transportation conduct a feasibility study in cooperation with the Department of Public Safety for the construction or installation of bridge barriers and safety-enhancing improvements to the Rio Grande Gorge Bridge outside of Taos; requests findings be reported to the appropriate interim committee by December 1, 2009.
- SM 21** **MV: DRIVER & HIGHWAY SAFETY TASK FORCE (Wirth).** Requests the Attorney General to appoint a driver and safety task force to study changes needed in the Motor Vehicle Code to address driver and highway safety and to propose legislation for making the changes and for addressing the problems raised by the loss of driving privileges; the task force should include representatives of the medical community, advocacy groups for retirees, the malpractice bar and the director of the Motor Vehicle Division; requests a report to the appropriate interim committee by August, 2009.
- SM 27** **NEW MEXICO RAILROAD CROSSING SAFETY STUDY (Campos).** Requests the Department of Transportation to convene a working group of persons representing all major railways operating in New Mexico as well as the Mid Region Council of Governments and representatives of county governments that are along routes proposed for inclusion in a commuter train service from southern to northern New Mexico; the group is to establish minimum standards for safe grade crossings throughout the state and report problems implementing such standards; requests a report to the appropriate interim committee by January, 2010.
- SM 29** **VETERANS' HEALTH CENTER NEAR ANGEL FIRE (Harden).** Requests the Veterans' Services Department, the Economic Development Department, the Tourism Department and the Village of Angel Fire to study the feasibility of developing a veterans' health and healing center in the Moreno Valley in northern New Mexico and submit their findings to the legislature by November 1, 2009.
- SM 69** **ENFORCING FEDERAL LAW ON MEDICAL MARIJUANA (McSorley).** Requests state law enforcement agencies to immediately stop enforcing federal laws against medical marijuana use; the Senate discourages use of state funds for investigation, arrest and prosecution of those authorized by state law to use or provide medical marijuana; the Senate urges New Mexico's congressional delegation to support federal legislation to remove medical cannabis from Schedule I of the federal Controlled Substance Act; requests a copy of the memorial be sent to the secretary of the Department of Public Safety and the chief of each law enforcement agency in the state.

***HTRC/HB 9
Municipal Projects
2009 Legislature**

Section 1. The following municipal appropriations from the General Fund or other state fund shall NOT be expended, and the unexpended balances up to the amount specified shall revert to the general fund.		
Municipality	Project	Amount
Sunland Park	plan, design and construct improvements to water and wastewater system	\$1,000,000
Ruidoso Downs	plan, design and construct improvements to regional wastewater treatment plant	\$2,500,000
Rio Rancho	plan, design and construct improvements to regional wastewater treatment plant	\$3,000,000
Lovington	replace roof and flooring at the Billy Mckibben senior center	\$50,000
Albuquerque	renovation for the downtown community education center	\$25,000
Albuquerque	maintenance and renovation of the ABQ railyard station	\$35,000
Albuquerque	construction, equipment, furnishings and exhibits at the Anderson-Abruzzo International Balloon Museum	\$749,285
Eagle Nest	aquire land	\$50,000
Silver City	for a multipurpose facility and purchasing property for the Casa Mia Ranch	\$99,311
Corrales	for repairs to Casa San Ysidro	\$24,000
Albuquerque	construction of speed bumps and signage near Hayes Middle School	\$20,000
Albuquerque	water and sewer improvements on streets west of Rio Grande and between Griegos and Matthew streets	\$100,000
Section 2. The unexpended proceeds up to the amount specified from severance tax bonds for the municipal projects below shall NOT be expended for their original purposes, but may be expended for various listed projects, including the municipal projects listed in Section 3.		
Municipality	Project	Amount
Taos	plan, design and renovate the Mary Medina motor vehicle division field office	\$244,387
Taos	complete renovations at the Mary Medina motor vehicle division field office	\$495,000
Gallup	facilities at Red Rock State Park	\$742,500
Las Vegas	improvements to the sewer line on Romero St.	\$50,000
Albuquerque	maintenance and renovation ABQ railyard station	\$40,000
Albuquerque	acquire land, plan, design, landscape and make improvements for an off-leash dog park	\$64,000

***HTRC/HB 9
Municipal Projects
2009 Legislature**

Grants	renovations to a public library	\$400,000
Silver City	for a multipurpose facility and purchasing property for the Casa Mia Ranch	\$460,350
Santa Fe	for Innovation Park	\$100,000
Mountainair	addition to the fire department building	\$50,000
Los Lunas	for a facility, equipment and furnishings for the westside fire substation	\$200,000
Albuquerque	improvements at the Coors and Sequia intersection	\$2,000,000
Albuquerque	purchase and install traffic lights at the intersection of Mildred and Fourth streets	\$50,000
Section 3. The proceeds from the previously authorized severance tax bonds may be expended for various listed projects, including the municipal projects below. If additional severance tax bond proceeds are needed to fund these projects up to the amount specified, the State Board of Finance is authorized to issue severance tax bonds in that amount.		
Sunland Park	plan, design and construct improvements to the water and wastewater system	\$1,000,000
Ruidoso Downs	plan, design and construct improvements to the regional wastewater treatment plant	\$2,500,000
Rio Rancho	improvements to the water reuse and distribution facilities	\$3,000,000
Emergency Clause. Effective 2/6/09 (pv)		

Vetoed Legislation 49th Legislature, First Session 2009

HB 130	MEDICAID & CHILD HEALTH INSURANCE REPORTING (Stewart)	Pocket Veto
* HB 191	INTERIM SCHOOL TRANSPORTATION TASK FORCE (Gonzales)	Veto
HB 237	CHANGE REPORT CARD PUBLICATION DATE (Barreras)	Veto
HB 340	NEW EMISSION STANDARDS TO TAKE EFFECT IN 2015 (Nuñez)	Veto
CS/ HB 349	ELIMINATE CERTAIN STANDARDIZED SCHOOL TESTS (Rodefer)	Pocket Veto
HB 502	PERIODIC EXECUTIVE REORGANIZATION EVALUATION (Barreras)	Pocket Veto
CS/ HB 512	512 PROPANE DEALER REGULATION (Trujillo)	Pocket Veto
HB 534	ELECTRONIC PUBLIC RECORDS REQUESTS (Chavez E.)	Pocket Veto
CS/ HB 544	HEALTH COVERAGE ACCOUNTABILITY & TRANSPARENCY (Picraux)	Pocket Veto
HB 578	LFC EXPENDITURE OF FEDERAL FUNDS (Gardner)	Pocket Veto
HB 602	ALL-INCLUSIVE CARE FOR ELDERLY (Sandoval)	Pocket Veto
HB 613	DONATIONS TO HEALTH POLICY COMMISSION (Picraux)	Pocket Veto
CS/ HB 616	PUBLIC RETIREES RETURNING TO WORK (Varela)	Veto
HB 669	TAX-EXEMPT CHARITY INFO FILING REQUIREMENTS (Picraux)	Pocket Veto
CS/ HB 674	STATE BILINGUAL POEM (Barela) (Sanchez, M.)	Pocket Veto
HB 720	AFRICAN AMERICAN CENTER AT PRESENT LOCATION (Stapleton)	Pocket Veto
HB 860	REGIONAL TRANSIT TAX DISTRIBUTION & INFO (Barreras)	Pocket Veto
HB 893	RESIDENTIAL SOLAR TECH IMPROVEMENT DISTRICTS (Rodefer)	Pocket Veto
SB 7	DETERMINATION OF ADULT SENTENCE FOR JUVENILES (McSorley)	Veto
SB 21	HISPANIC AFFAIRS DEPARTMENT ACT (Sanchez, M.)	Veto
SB 65	INFO TECHNOLOGY & TELECOMM COMMITTEE (Martinez, R)	Pocket Veto
SB 167	PRE-KINDERGARTEN PROGRAM DISTRIBUTION (Beffort)	Veto
CS/ SB 172	INTERIM HUMAN SERVICES COMMITTEE (Lopez)	Pocket Veto
SB 193	SCHOOL PERSONNEL REPORTS TO LEGISLATURE (Garcia, MJ)	Pocket Veto
SB 227	FAMILY INFANT TODDLER PROGRAM FUNDING FORMULA (Ortiz y Pino)	Pocket Veto
SB 323	SCHOOL LIBRARY MATERIAL DONATION (Lovejoy)	Pocket Veto
SB 460	ADDITIONAL INVESTMENT COUNCIL APPOINTEES (Neville)	Pocket Veto
CS/ SB 464	RELEASE OF PUBLIC SCHOOL STUDENT INFO (Ortiz y Pino)	Pocket Veto
FL/ SB 531	LFC REVIEW OF STATE FUNDING RECIPIENTS (Keller)	Pocket Veto
SB 548	NEW EMISSION STANDARDS TO TAKE EFFECT IN 2015 (Griego, P.)	Veto
SB 565	AFRICAN AMERICAN CENTER AT PRESENT LOCATION (Sanchez, M.)	Pocket Veto
SB 588	NORTHWEST NM REGIONAL SOLID WASTE AUTHORITY (Munoz)	Veto
SB 626	CHARTER SCHOOL STUDENT ACTIVITIES WITHIN ZONE (Morales)	Veto
CS/ SB 649	CRIMINAL RECORDS EXPUNGEMENT ACT (Sanchez, M.)	Veto