



**Summary of  
2012 LAWS  
of Interest to  
Municipalities**

**March, 2012**

© 2011 by the New Mexico Municipal League  
P.O. Box 846  
Santa Fe, New Mexico 87504-0846  
Street Address: 1229 Paseo de Peralta 87501

Telephone: (505) 982-5573  
Toll-Free: 1-800-432-2036  
FAX: (505) 984-1392  
[www.nmml.org](http://www.nmml.org)

## 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 (February 16<sup>th</sup> 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.

More legislative information is available at the Legislature’s web site at [www.nmlegis.gov](http://www.nmlegis.gov).

*Santa Fe, New Mexico  
March, 2012*

## 2012 SUMMARY OF LAWS SUBJECT INDEX

<b>Subject</b>	<b>Chapter</b>	<b>Page</b>
<b>CAPITAL OUTLAY</b>		
General Obligation Bond Projects	54 (pv)	6
Reauthorize Projects	63 (pv)	7
Capital Outlay Projects – STB	64 (pv)	8
<b>EMPLOYMENT</b>		
PERA: No Precinct Worker Benefit Suspension	26	3
Temporary Unemployment Fund Contributions	35	5
<b>FINANCE, PUBLIC</b>		
Small Cities Assistance & GRT Deductions, Construction & Manufacturing Property	5	1
Water Project Fund Projects	17	2
Drinking Water System Financing	30	4
NMFA Public Project Fund Projects	31	4
Local Government Planning Fund	49	5
<b>GOVERNMENT OPERATIONS</b>		
Fire Protection Across Jurisdictions	20	3
Condo Declaration Zoning Law Compliance	43	5
<b>LAW ENFORCEMENT AND PUBLIC SAFETY</b>		
Secondhand Metal Dealer Requirements	29	3
Secondhand Metal Dealer Requirements	33	5
Juvenile Public Safety Board Members	36	5
Neighboring States Citizen Firearms Purchases	45	5
<b>MOTOR VEHICLES</b>		
MV: Hay Transportation Permits & Distances	2	1
MV: Driver’s License Contributions to Veterans	8	2
<b>PROCUREMENT</b>		
New Mexico Veteran Business & Contractor Preference	56	6
<b>TAXATION</b>		
Small Cities Assistance & GRT Deductions, Construction & Manufacturing Property	5	1
GRT: Electric Conversion Facility	12	2
GRT: Uranium Hexafluoride Sales Deduction	13	2
GRT: Federal Water Projects (Gallup)	58	7
<b>RESOLUTIONS AND MEMORIALS</b>		10
<b>VETOED BILLS</b>		13

## **2012 SUMMARY OF NEW MEXICO LAWS of Interest to Municipalities**

### **Chapter 2**

#### **\*SB 56**

**MV: HAY TRANSPORTATION PERMITS & DISTANCES (Ingle).** Amends §66-7-413.1; a vehicle used to transport loads of hay greater than 102 inches wide may be issued a special permit to transport loads pursuant to §66-7-413 NMSA 1978, provided that the vehicle is marked on the front and the rear with “OVERSIZED LOAD” signs; the signs covered by the special permit shall be specified on the permit. EMERGENCY CLAUSE. Effective 2/14/12.

### **Chapter 5**

#### **CS/HB 184**

#### **& 256**

**SMALL CITIES ASSISTANCE & GRT DEDUCTIONS FOR CONSTRUCTION SERVICES & MANUFACTURING PROPERTY.** Amends 3-37A-2, the Small Cities Assistance Act. Raises the minimum amount distributed annually to small cities with a population of less than 10,000 from \$35,000 to \$90,000; changes the distribution to the Small Cities Assistance Fund from 10% to 15% of the receipts from the Compensating Tax. Also increases the distributions to small counties. Amends §7-9-46 to provide a graduated deduction from gross receipts or governmental gross receipts tax for receipts from selling tangible personal property if the sale is made to a person engaged in the business of manufacturing who delivers a nontaxable transaction certificate to the seller; the buyer delivering the certificate must use the property in such a way that it is consumed in the manufacturing process, provided that the tangible personal property is not a tool or equipment used to create the manufactured product; the deduction begins at 20% on January 1, 2014 and increases by 20% each year until reaching 100% on January 2, 2017. Amends §7-9-52 to provide a deduction from gross receipts tax receipts from the sale of construction-related services in addition to construction services; defines “construction-related service” as a service directly contracted for or billed to a specific construction project, including design, architecture, drafting, surveying, engineering, environmental and structural testing, security, sanitation and services required to comply with governmental construction-related regulations; “construction-related service” excludes general business services such as legal or accounting services, equipment maintenance and real estate sales commissions. Enacts one new section to provide a deduction from gross receipts tax for receipts from leasing construction equipment if the equipment is leased to a person engaged in the construction business who delivers a nontaxable transaction certificate to the person leasing the equipment. The lessee shall only use the construction equipment at the construction location of: (1) a construction project that is subject to the GRT upon its completion or upon the completion of the overall construction project; (2) a project that is subject to GRT upon the sale of the real property upon which it was constructed; or, (3) a project that is located on tribal territory. “Construction equipment” is equipment used on a construction project, including trash containers, portable toilets, scaffolding and temporary fencing. Sections 3 through 6 are effective 1/1/13 (distribution from Compensating Tax to Small Cities Assistance Fund and GRT deductions for manufacturing and construction-related services and construction equipment). Section 2 is effective 7/1/13 (increasing distribution to small counties). Section 1 is effective 1/1/14 (increasing distribution to small municipalities).

**Chapter 8**

**HB 178**

**MV: DRIVER'S LICENSE CONTRIBUTIONS TO VETERANS (Herrell).** Enacts one new section of the Motor Vehicle Code. Provides that, as of January 1, 2013, the vehicle registration form will include a check-off option for a driver who wishes to contribute to the Veterans' Enterprise Fund for a \$1.00 or a \$5.00 fee in addition to the registration fee; all fees collected from the check-off option shall be paid to the State Treasurer to the credit of the Veterans' Enterprise Fund within two months of receipt. Effective 1/1/13.

**Chapter 12**

**HB 116**

**GRT: ELECTRIC CONVERSION FACILITY (Lujan, B).** Amends §§7-9-38; enacts one new section. Expands a current exemption from gross receipts tax regarding use of electricity to include transmission using voltage source conversion technology; adds a new deduction from gross receipts tax for receipts from transmission of electricity where voltage source conversion technology is employed to provide such services and from ancillary services; adds a new deduction from gross receipts tax for receipts from operating a market or exchange for the sale or trading of electricity, rights to electricity and derivative products and from providing ancillary services. "Ancillary services" are defined as services that are supplied from or in connection with facilities employing voltage source conversion technology and that are used to support or enhance the efficient and reliable operation of the electric system. Effective 7/1/12.

**Chapter 13**

**SB 23**

**GRT: URANIUM HEXAFLUORIDE SALES DEDUCTION (Leavell).** Amends §7-9-90 to make receipts from selling uranium hexafluoride deductible from gross receipts taxes. Requires the Taxation and Revenue Department to annually report to the Revenue Stabilization and Tax Policy Interim Committee the aggregate amounts of deductions taken, the number of taxpayers claiming the deduction and any other information that is necessary to determine the deduction is performing a purpose that is beneficial to the state; a taxpayer claiming the deduction shall report the amount deducted separately and attribute the amount of the deduction to the authorization provided herein in a manner required by the Taxation and Revenue Department that facilitates the evaluation by the legislature for the benefit to the state. Effective 5/16/12.

**Chapter 17**

**\*HB 95**

**WATER PROJECT FUND PROJECTS (Nuñez).** Authorizes the New Mexico Finance Authority to make loans or grants from the Water Project Fund for the following municipal water projects: **Albuquerque-Bernalillo County Water Utility Authority:** water storage, conveyance and delivery project; **Belen:** flood prevention project; **Capitan:** water storage, conveyance and delivery project; **Carrizozo:** water storage, conveyance and delivery project; **Deming:** water storage, conveyance and delivery project; **Estancia:** water storage, conveyance and delivery project; **Eunice:** water storage, conveyance and delivery project; **Gallup:** water storage, conveyance and delivery project; **Grants:** flood prevention project; **Hatch:** water storage, conveyance and delivery project; **Hobbs:** water conservation, treatment, recycling or reuse project; **Las Vegas:** water conservation, treatment, recycling or reuse project; water storage, conveyance and delivery project; **Milan:** flood prevention project; **Moriarty:** water conservation, treatment, recycling or reuse project; water storage, conveyance and delivery project; **Raton:** watershed restoration and management project; **Socorro:** flood prevention project; **Springer:** water storage, conveyance and delivery project; **Taos:** water storage, conveyance and delivery project; **Taos Ski Valley:** water storage,

conveyance and delivery project; **Tucumcari:** water storage, conveyance and delivery project; **Wagon Mound:** water storage, conveyance and delivery project. EMERGENCY CLAUSE. Effective 3/2/12.

**Chapter 20**

**HB 11**

**FIRE PROTECTION ACROSS JURISDICTIONS (Miera).** Authorizes any municipality to permit its fire department to service an area adjacent and contiguous to its corporate limits but within the corporate limits of another municipality or a county, provided that the other municipality or county by resolution or law consents to the service and to the boundaries of the area serviced. Requires a plat showing the additional area to be filed with and approved by the State Fire Marshal; authorizes a municipality to apply for Fire Protection Fund eligibility for any fire station located within the additional area; also authorizes municipalities to apply for Fund eligibility for a fire station located at a municipally owned airport, whether located outside or within municipal limits. Provides for the same authority for counties servicing areas within municipalities. Provides that nothing in the Fire Protection Fund law shall be construed to prohibit Fire Protection Fund eligibility to a municipal or county fire station or substation that otherwise meets the requirements of the State Fire Marshal and the Fire Protection Fund law but is not located within the municipality or county; also provides that nothing in the law shall be construed to prohibit mutual aid agreements between municipalities and counties to provide fire protection services across jurisdictional lines. Effective 5/16/12.

**Chapter 26**

**\*SB 52**

**PERA: NO PRECINCT WORKER BENEFIT SUSPENSION (Muñoz, Varela).** Amends §1-2-16; for purposes of determining eligibility for membership in the Public Employees Retirement Association and pursuant to the provisions of Subsection B of §10-11-3 NMSA 1978, precinct board members are designated as seasonal employees; suspension of benefits under PERA do not apply to retired employees working as precinct board members working in a municipal election or an election covered by the Election Code. EMERGENCY CLAUSE. Effective 3/3/12.

**Chapter 29**

**HB 118**

**SECONDHAND METAL DEALER REQUIREMENTS (Rodella).** Amends the Sale of Recycled Metals Act to help prevent the theft and sale of metal to secondhand metal dealers; requires secondhand metal dealers to be registered with the Regulation and Licensing Department; sets duties for the secondhand metal dealers which include complying with federal requirements for scrap metal dealers, including maintaining storm water permits. Requires any dealer who becomes aware that he is in possession of regulated material that was stolen or unlawfully obtained to keep the material on his premises and report it to a local law enforcement agency within 24 hours. Adds the following under the definition of “regulated material”: utility access covers; water meter covers; road or bridge guard rails; highway or street signs; traffic directional or control sign or signals; or catalytic converters that are not part of an entire motor vehicle. Prohibits a dealer from purchasing specified material without additional written documentation indicating the seller is the rightful owner or has permission from the owner or that the material was lawfully obtained; the specific list includes infrastructure grade regulated material that has been burned to remove insulation and regulated material marked with identification as the property of electrical, telephone, cable, water or other utility company, a railroad or a governmental entity. Requires a person attempting to sell regulated material to a secondhand metal dealer to allow the dealer to take a photo of the seller and the regulated material; the photo may be digital with a date and time stamp and

be of the material in the form in which it was purchased or obtained by the dealer. If a peace officer determines, through an investigation or examination of the records kept by the secondhand metal dealer, that the dealer may be in possession of stolen property or property that constitutes evidence in a criminal investigation, the officer may place a hold on the property prohibiting the sale or removal of it from the premises. The hold may remain in effect for up to five days or until the hold is lifted or the property is seized, whichever occurs earlier. Prohibits a local governmental entity from imposing any reporting requirements on secondhand metal dealers regarding the purchase or acquisition of regulated material; limits availability of the database containing required records submitted by the dealers to law enforcement agencies and the Department. Effective 7/1/12.

### Chapter 30

\*HB 39

**DRINKING WATER SYSTEM FINANCING (White).** Appropriates \$2 million from the Public Project Revolving Fund to the Drinking Water State Revolving Loan Fund for FY 2012 and subsequent fiscal years to provide state matching funds for federal Safe Drinking Water Act projects and to carry out the purposes of the Act. EMERGENCY CLAUSE. Effective 3/4/12.

### Chapter 31

\*HB 46

**NMFA PUBLIC PROJECT FUND PROJECTS (Lundstrom).** Authorizes the New Mexico Finance Authority to make loans from the Public Project Revolving Fund for the following municipal projects: **Albuquerque-Bernalillo County Water Utility Authority:** building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects; **Albuquerque:** rail spur, water rights, road, public improvement district, building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater and solid waste; **Angel Fire Improvement District:** building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste and road projects; **Angel Fire:** water, wastewater, water rights, solid waste, building, equipment, infrastructure, debt refinance, land acquisition and special assessment district projects; **Aztec:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, solid waste and road projects; **Bernalillo:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Bloomfield:** building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects; **Edgewood:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Estancia, Moriarty, Willard Gas Coop:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Eunice:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Folsom:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Las Vegas:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Los Alamos:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road, solid waste, public improvement district and special assessment projects; **Milan:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Mosquero:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Pecos:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;



**Portales:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Raton:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Roy:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects. If a qualified entity has not certified to the NMFA by the end of FY 2015 its desire to continue to pursue a loan for a listed project, the legislative authorization is void. EMERGENCY CLAUSE. Effective 3/4/12.

**Chapter 33**  
**SB 67**

**SECONDHAND METAL DEALER REQUIREMENTS (Neville).** Same as HB 118, Chapter 29. Effective 7/1/12.

**Chapter 35**  
**\*SB 32**

**TEMPORARY UNEMPLOYMENT FUND CONTRIBUTIONS (Smith, Jennings).** Amends §51-1-11; from January 1, 2011 through December 31, 2012, each employer is to contribute at the rate specified in Schedule 1; from January 1, 2013 through December 31, 2013, the contributions shall be made as specified in Schedule 2. EMERGENCY CLAUSE. Effective 3/5/12.

**Chapter 36**  
**HB 37**

**JUVENILE PUBLIC SAFETY BOARD MEMBERS (O'Neill).** Amends §32A-7A-2 & -5. Changes the number of members who may serve on the Juvenile Public Safety Advisory Board from seven to no fewer than three and no more than seven; prohibits an employee of the Children, Youth and Families Department from serving as chair or vice chair of the Board. Effective 7/1/12.

**Chapter 43**  
**SB 10**

**CONDO DECLARATION ZONING LAW COMPLIANCE (Wirth).** Amends §47-7B-5 to add to the contents of a declaration of condominium that, if required by local ordinance, a written confirmation from the local zoning official that the condominium complies with the zoning density requirements of the local zoning and subdivision ordinances or regulations as required by §47-7A-6 NMSA 1978. Effective 5/16/12.

**Chapter 45**  
**SB 26**

**NEIGHBORING STATES CITIZEN FIREARMS PURCHASES (Payne).** Repeals §30-7-9 NMSA 1978 that allowed New Mexico citizens the right to purchase firearms in contiguous states and residents of contiguous states to purchase firearms in New Mexico. Effective 7/1/12.

**Chapter 49**  
**\*CS/HB 55**

**LOCAL GOVERNMENT PLANNING FUND.** Expands the purpose of the Local Government Planning Fund within the New Mexico Finance Authority to include infrastructure and energy audits; removes the stipulation that grants may be made from the Fund only with the agreement of the qualified entity to reimburse the Fund for the amount of the grant when financing from any source other than the Authority is subsequently received by the qualified entity for the project. Appropriates \$2 million from the Public Project Revolving Fund to the Local Government Planning Fund to fund local government planning for water or wastewater system development, economic development or long-term water management and water conservation strategies. EMERGENCY CLAUSE. Effective 3/6/12.

**Chapter 54 (pv)**

**\*CS/SB 66**

**GENERAL OBLIGATION BOND PROJECTS.** Authorizes the sale of General Obligation Bonds for the following municipal projects (subject to voter approval at the November General Election): **Alamogordo:** senior center renovations - \$130,680; senior center code improvements - \$265,000; **Albuquerque:** central kitchen equipment - \$50,000; central kitchen renovation - \$30,000; citywide senior centers equipment - \$100,000; citywide senior centers meal equipment - \$101,720; Dept. of Senior Affairs vehicles - \$519,000; Dept. of Senior Affairs code improvements - \$150,000; Highland senior center renovations - \$250,000; **Artesia:** senior center vehicles - \$48,000; senior center meals site vehicles - \$83,000; **Belen:** senior center meals equipment - \$68,000; **Bernalillo:** senior center code improvements - \$19,410; **Bloomfield:** senior center vehicles - \$25,000; **Chama:** senior center meals equipment - \$5,000; senior center renovations - \$77,490; **Clayton:** senior center renovations - \$6,500; senior center code improvements - \$200,000; **Cloudcroft:** senior center equipment - \$3,000; senior center meals equipment - \$5,000; **Clovis:** Baxter-Curren senior center code improvements - \$8,000; senior center equipment - \$3,800; **Corrales:** senior center renovations - \$23,000; **Cuba:** senior center renovations - \$23,000; **Deming:** senior center meals equipment - \$39,585; **Des Moines:** senior center renovations - \$2,500; **Española:** Beatrice Martinez senior center equipment - \$9,360; Beatrice Martinez senior center code improvements - \$250,000; Beatrice Martinez senior center meals equipment - \$21,000; Española senior center renovations - \$34,900; **Estancia:** senior center renovations - \$10,000; **Eunice:** senior center renovations - \$120,000; **Fort Sumner:** senior center vehicles - \$25,000; senior center meals equipment - \$23,950; **Grady:** senior center meals equipment - \$3,330; **Hagerman:** senior center renovations - \$150,000; **Las Cruces:** Munson senior center code improvements - \$250,000; **Las Vegas:** senior center vehicles - \$48,000; **Logan:** senior center equipment - \$1,500; **Moriarty:** senior center meals equipment - \$12,000; senior center renovations - \$10,000; **Mountainair/Moriarty:** senior center renovations - 3,875; **Mountainair:** senior center renovations - \$9,500; **Pecos:** senior center meals equipment - \$15,800; senior center renovations - \$10,195; **Raton:** senior center code improvements - \$15,000; **Rio Rancho:** senior center equipment - \$70,810; senior center code improvements - \$113,410; **Santa Fe:** Luisa senior center code improvements - \$185,690; Luisa senior center renovations - \$146,940; Mary Esther Gonzales senior center renovations - \$134,880; Mary Esther Gonzales senior center code improvements - \$300,000; Pasatiempo senior center code improvements - \$8,500; citywide senior centers meals equipment - \$111,900; citywide senior centers vehicles - \$132,000; **Santa Rosa:** senior center renovations - \$13,715; senior center meals equipment - \$41,470; **Socorro:** senior center vehicles - \$42,000; senior center code improvements - \$15,000; senior center meals equipment - \$4,375; senior center renovations - \$25,000; **Taos:** senior center renovations - \$62,000; **Tijeras:** senior center vehicles - \$48,000; **Truth or Consequences:** senior center meals equipment - \$16,055; **Tucumcari:** senior center meals equipment - \$29,900; senior center equipment - \$8,900; senior center code improvements - \$18,000; and **Statewide Public Libraries** - \$3 million. EMERGENCY CLAUSE. Effective 3/7/12.

**Chapter 56**

**HB 97**

**PROCUREMENT: NEW MEXICO VETERAN BUSINESS & CONTRACTOR PREFERENCE (Lujan, B).** Amends §13-1-21, 22, 23 and §13-4-2 establishing a preference for 10 years until July 1, 2022 for resident veteran businesses and for resident veteran contractors. Defines “recycled content goods” as supplies and materials composed of 25% or more of recycled materials, provided the materials content meets or exceeds the minimum content standards required by bid specifications; a “resident

veteran business” is defined as a business that has a valid resident veteran business certificate issued by the Taxation & Revenue Department. Grants the following bid preferences for resident veteran businesses: for businesses with annual revenues of \$1 million or less – 10%; for businesses with revenues between \$1 million and \$5 million – 8%; and, for businesses with revenues of \$5 million or more – 7%. Gives a 5% preference for bids for recycled goods and a 10% preference for bids for recycled goods from a resident veteran business with \$1 million or less in annual revenues and reduces the percentage of preference for larger businesses on the same scale as above. For requests for proposals, not including contracts awarded on a point-based system, the public body shall award an additional 10% of the total weight of all the factors used in evaluating the proposals to a resident veteran business that has annual revenues of \$1 million or less and reduces the percentage preference for larger businesses on the same scale as above. For requests for proposals where the contract is awarded based on a point-based system, the public body shall award an additional of the equivalent of 10% of the total possible points to a resident veteran business having annual revenues of \$1 million or less and reduces the percentage preference for larger businesses as above. Limits the preferences for the resident veteran businesses whose annual revenues are over \$1 million to an aggregate of \$10 million in any calendar year in purchases by public bodies from all resident businesses receiving preferences. A public body shall not award a business both a resident business and resident veteran business preference. An application for a resident veteran business certificate must include proper specific verification of veteran status. Effective July 1, 2022, repeals and enacts new Sections 13-1-21, 13-1-22 and 13-4-2, leaving out the temporary resident veterans business preference that will have expired, and clarifying some of the current language. Sections 1, 3 and 5 are effective 7/1/12. Sections 2, 4 and 6 are effective July 1, 2022.

**Chapter 58**  
**HB 277**

**GRT: FEDERAL WATER PROJECTS (GALLUP) (Lundstrom).** Enacts one new section of the Local Option Gross Receipts Taxes Act. The governing body of a municipality (Gallup) may enact an ordinance, subject to a positive referendum, imposing a federal water project gross receipts tax; the rate of the tax shall not exceed one-fourth percent; the revenue from the tax shall be dedicated for the repayment of loan obligations to the federal government for the construction, expansion, operation and maintenance of a water delivery system and for the expansion, operation and maintenance of the water system after the loan obligation to the federal government is retired or repaid. The revenue shall not be dedicated to repay revenue bonds or any other form of bonds. If the referendum to impose the tax fails, the governing body may not propose the imposition of the tax for one year from the date of the election. “Municipality” is defined as one that has a population of between 20,000 and 25,000 and is located in a Class B county. Effective 7/1/12.

**Chapter 63 (pv)**

**\*CS/HB 190 REAUTHORIZE PROJECTS.** Reauthorizes expenditures or extends the time frame for the following municipal projects:

**Springer** – water siphon system: extended through fiscal year 2014

**Hatch** – well, water rights and infrastructure: extended through fiscal year 2014

**Las Cruces** – regional recreational aquatics center: extended through fiscal year 2014

**Las Cruces** – La Casa shelter and transitional housing: extended through fiscal year 2014

**Mesilla** – plan and design public works building; extended through fiscal year 2014

**Hurley** – water system improvements: extended through fiscal year 2014

**Mora-Wagon Mound** – senior center: extended through fiscal year 2014

**Tularosa** – senior center meals vehicles; extended through fiscal year 2014  
**Bernalillo** – soccer complex: extended through fiscal year 2014  
**Cuba** – water treatment and well improvements: extended through fiscal year 2014  
**Rio Rancho** (several reauthorizations) – regional park facility: extended through fiscal year 2014  
**Bosque Farms** – library improvements: extended through fiscal year 2014  
EMERGENCY CLAUSE. Effective 3/7/12.

**Chapter 64 (pv)**

**\*CS/HB 191 CAPITAL OUTLAY PROJECTS - STB.** Authorizes issuance of severance tax bonds for a number of projects including the following municipal projects. Vetoed projects are indicated by ~~–abe–~~.

**Alamogordo:** water reuse system addition - \$400,750; **Albuquerque:** Alameda Little League junior baseball field - \$234,000; ~~[Arenal Drain Park construction—\$340,000];~~ Albuquerque-Bernalillo County SW Mesa Library construction - \$397,000; Biopark alligator alcove construction - \$150,000; Cesar Chavez Community Center spray ground - \$500,000; Explora Science Center & Children’s Museum addition - \$1,300,000; ~~[Hillerman Library rose garden improvements—\$25,000]; [international district signage—\$50,000]; [Los Volcanes Senior center cabinets—\$100,000]; [Manzano Mesa Multigenerational Center—\$10,000]; [Martineztown Camino Real landscape—\$150,000];~~ Roadrunner Little League safety improvements - \$90,000; Robinson Park renovations - \$150,000; ~~[Route 66 visitor center purchase—\$175,000]; [Santa Barbara/Martineztown parks improvements—\$150,000]; [Tramway Blvd. Linear Park—\$50,000];~~ Westgate/Tower Park fields improvements - \$300,000; ~~[House District 13 sidewalks—\$50,000]; [La Paz/Paradise Blvd. traffic signals—\$170,000];~~ Mile High Little League equipment/construction - \$105,000; Paseo del Norte Blvd/I-25 interchange - \$2,268,000 (also STW-DOT/SRF Paseo del Norte - \$27,500,000); ~~[Senate District 17 parks/streets/alleys/median improvements—\$100,000]; [Tramway Blvd. concrete barriers—\$202,000]; [West Central Ave. road and pedestrian improvements—\$200,000]; [Zuni Rd./Central Ave. mid block crossings—\$150,000];~~ Eighth Street/Coal Ave./Bridge Street improvements - \$100,000; **Anthony:** ~~[4<sup>th</sup> Street drainage improvements—\$50,000]; [municipal building design/construct—\$350,000];~~ **Artesia:** fire department pumper purchase - \$440,000; **Aztec:** ~~[wireless internet access installation—\$115,000];~~ **Bayard:** municipal cemetery - \$200,000; **Bernalillo:** Coronado Little League park improvements - \$75,000; Railrunner Ave. extension - \$195,000; **Bloomfield:** ~~[water reuse system—\$175,000];~~ **Bosque Farms:** library addition - \$130,000; **Capitan:** senior center sewer system extension - \$205,000; wastewater treatment plant improvements - \$150,000; **Carrizozo:** asphalt zipper purchase - \$180,000; **Chama:** ~~[street improvements—\$100,000];~~ **Clayton:** trash truck - \$165,000; **Clovis:** effluent reuse pipeline construction - \$278,000; **Cloudcroft:** potable wastewater reuse project - \$772,000; **Corrales:** ~~[infrastructure projects—\$150,000]; [parks & recreation facilities—\$100,000];~~ **Cuba:** wastewater treatment plant - \$200,000; **Deming:** wastewater treatment plant improvements - \$350,000; **Dexter:** furnish and equip restrooms at Lake Van public park - \$140,000; **Eagle Nest:** Enchanted Eagle Park asbestos removal - \$50,000; **Edgewood:** road improvements – \$477,000; **Elida:** multipurpose senior/community center facility - \$100,000; **Española:** library & digital media center construction - \$300,000; **Estancia:** ~~[community center/town offices stucco—\$24,000];~~ MVD & municipal court facility - \$12,000; wastewater treatment facility sewer pumps - \$12,766; **Eunice:** fire substation construction - \$200,000; **Farmington:** regional animal shelter - \$2,741,000; **Fort Sumner:** ~~[parks playground equipment—\$50,000];~~ **Gallup:** ~~[Allison Road corridor~~

~~improvements/design—\$150,000~~; affordable housing development plan - \$20,000; community pantry improvements - \$40,000; fire station 1 improvements - \$38,500; ~~[soccer field trail head construction—\$50,000]~~; ~~[veterans center construction—\$200,000]~~; veterans’ memorial cemetery - \$185,000; **Grady:** fire truck purchase - \$100,000; **Grants:** ~~[2<sup>nd</sup> Street phase 1 improvements—\$300,000]~~; **Hagerman:** water storage tank - \$370,000; **Hatch:** improve Canal Road - \$130,000; Placitas Arroyo ridge crossing - \$147,000; **Hope:** ~~[equipment storage building—\$145,000]~~; fire department building expansion/additions - \$170,000; **Jal:** wastewater treatment plant improvements - \$250,000; **Jemez Springs:** ~~[parks development and improvements—\$140,000]~~; **Las Cruces:** East Mesa public safety campus construction - \$1,214,000; Jardin de Los Niños roof - \$50,000; ~~[Mesquite historic district sign—\$100,000]~~; ~~[Lantana Estates sewer system—\$100,000]~~; **Las Vegas:** ~~[Valencia parking lot improvements—\$10,000]~~; **Los Lunas:** wastewater treatment plant equipment - \$50,000; **Los Ranchos de Albuquerque:** ~~[4<sup>th</sup> Street improvements—\$400,000]~~; **Lordsburg:** ~~[water system improvements—\$127,000]~~; **Loving:** little league park improvements - \$100,700; **Lovington:** wells construction - \$400,000; **Magdalena:** well site power supply upgrade - \$10,000; **Melrose:** water system improvements - \$50,000; **Mesilla:** ~~[parks playground equipment—\$75,000]~~; plaza renovation - \$250,000; roads/utility improvements \$27,000; **Milan:** Uranium Ave. improvements - \$280,000; **Mosquero:** street improvements - \$50,000; **Pecos:** sewer lines construction - \$50,000; **Peralta:** ~~[Don Jacobo Road improvements—\$98,000]~~; Peralta-Bosque Farms wastewater system - \$250,000; **Portales:** water system improvements - \$110,000; **Questa:** ~~[municipal building improvements—\$30,000]~~; ~~[water rights—\$30,000]~~; watershed & river restoration - \$90,000; **Raton:** solid waste structure - \$100,000; **Red River:** ~~[town hall plan & design—\$50,000]~~; **Rio Rancho:** Meadowlark Senior Center parking lot - \$350,000; ~~[regional park facility—\$375,000]~~; **Roswell:** ~~[nature center construction—\$240,000]~~; ~~[parks playground equipment—\$100,000]~~; street improvements - \$200,000; Wool Bowl softball complex - \$487,000; **Roy:** 2<sup>nd</sup> Street improvements - \$60,000; **Ruidoso:** sewer system facilities - \$122,000; **Santa Clara:** public safety building construction - \$180,000; **Santa Fe:** ~~[Botanical Garden Museum Hill—\$201,000]~~; Boys’ & Girls’ Club: fire alarm system - \$7,000, parking lot - \$3,500, pool renovation - \$32,734, and security alarm system - \$2,500; multipurpose center for homeless - \$111,000; police station renovation - \$440,000; **Santa Rosa:** Ilfeld Building renovation - \$325,000; Park Lake construction/improvements - \$100,000; **Socorro:** rodeo & recreation facilities - \$292,000; **Sunland Park:** ~~[McNutt River trail exercise area—\$81,000]~~; **Taos:** Kit Carson Park public restrooms - \$50,000; ~~[lift equipment—\$65,000]~~; **Tijeras:** water system construction - \$400,000; **Truth or Consequences:** solid waste collection center - \$400,000; **Tularosa:** police vehicles & info tech - \$300,000; **Tucumcari:** trash collection trucks - \$150,000; **Wagon Mound:** public works facility improvements - \$50,000. **Statewide:** Wastewater Facility Construction Loan Fund - \$1,400,000 to implement the Act or provide state matching funds for the Clean Water Act. EMERGENCY CLAUSE. Effective 3/7/12.

## MEMORIALS

- HJM 19 PERA: STUDY CHANGES TO PUBLIC EMPLOYEES RETIREMENT (Trujillo).** Requests the Public Employees Retirement Association to assess options for changes to public employees' retirement plans to reduce unfunded accrued actuarial liability with a goal of bringing the funding status to 100% by 2041; cites that the Fund has an unfunded liability totaling \$4.9 billion and that attempts to cover unfunded accrued liability and to sustain existing benefit levels for current members through contribution rate increases alone is impossible. Recommendations for benefit structure changes affecting future and active members and retirees are due to the appropriate interim committee by October 1, 2012.
- HJM 21 STUDY ACCESS TO SERVICES FOR YOUTH (King).** Requests the Secretary of Children, Youth and Families Department to convene a steering committee to study how to develop and provide equitable treatment and equal access to services for youth, from prevention and intervention, with an emphasis on the underserved rural areas of the state; requests that the study include an examination of several areas, including whether there is equal access to services statewide, whether youth in the justice system are treated equitably statewide, and the length of time adjudicated youth held in detention must wait for placement in a treatment program or facility. Requests the steering committee to develop and recommend a long-term plan for juvenile justice system reform and youth services statewide. The steering committee shall include representatives from CYFD, state legislature, Attorney General's Office, New Mexico Association of Counties, Department of Public Safety, Department of Health, New Mexico Supreme Court, the District Attorney's Association, a local law enforcement agency and others. A report is due to the Legislative Finance Committee and other interim committees by October, 2012.
- HM 21 RECOGNIZE YOUTH ADVISORY BOARDS & COUNCILS (Irwin).** Requests municipalities to establish youth advisory councils or commissions, congratulates those that have already done so and recognizes the unselfish and significant contributions made by youth advisory boards, councils and commissions; cites that the National League of Cities has incorporated a youth voice into its Institute for Youth, Education and Families, and that the Legislature created the Youth Alliance in 2003. Recognizes that youth advisory councils have been formed by the mayors of Española, Santa Fe, Rio Rancho, Farmington, Albuquerque and Red River and by Deming High School, to formally create a community role for the youth voice in those communities, and they offer input, suggestions and recommendations pertaining to issues that affect youth in the community when deemed necessary and appropriate, or upon request from the municipal governing bodies; also cites a previous Senate Memorial that endorsed the Las Vegas youth commission as a model youth participation project in local government.
- CS/HM 27 KIRTLAND AFB CLEANUP EFFORTS, IN RECOGNITION.** Expresses appreciation for the positive work that the Kirtland Air Force Base, the City of Albuquerque and the State have done in partnership to clean ground water impacted by the bulk fuel facility line leak and recognizes the continuing need for additional work.
- HM 41 LAS CONCHAS FIREFIGHTERS' EFFORTS (Hall, JW).** Honors the heroic efforts of firefighters in the days during, and the recovery following, the Las Conchas wildfire;

includes firefighters in Los Alamos County and all those local, state and federal agencies assisting, including firefighters, police, emergency services and support personnel from Rio Arriba, Santa Fe and Sandoval Counties, Cimarron, Tucumcari, Abiquiu, Chamita and Santa Fe, Santa Clara Pueblo, Agua Sana fire department, State Fire Marshal, U.S. Forest Service, U.S. Park Service, and Los Alamos National Laboratory.

- HM 45 SANTA FE: TRAFFIC STUDY (Trujillo).** Requests the Department of Transportation and the Santa Fe Metropolitan Planning Organization to perform a traffic study of current traffic conditions and projected 20-year traffic conditions for the south St. Francis Drive-West Zia Road intersection in Santa Fe; the study is to include signal timing analysis, particularly in relation to the New Mexico Rail Runner Express, and an intersection geometric improvement analysis for improved operations and safety. A report is due to the New Mexico Finance Authority Oversight Committee and the Legislative Finance Committee by November 1, 2012.
- HM 70 NONCAPITAL FELONY SENTENCE INTERPRETATIONS (Maestas).** Because of a possible misunderstanding of legislative intent by the courts regarding criminal sentencing, a representative from the New Mexico District Attorney's Association and the New Mexico Criminal Defense Lawyers Association are requested to examine different interpretations of basic sentences and fines imposed for noncapital felony offenses; also requests them to study the feasibility of creating additional simple degrees of felonies rather than descriptive degrees and make recommendations to the appropriate legislative interim committee on how to resolve the issue.
- HM 74 SANTA FE: RELEASE WATER INTO SANTA FE RIVER (Hall, JW).** Requests that the City of Santa Fe and Santa Fe County work together to ensure that sufficient water is released into the Santa Fe River to support traditional agriculture in the areas of La Bajada and La Cienega.
- SM 18 PERA: EVALUATE PUBLIC SAFETY MEMBERS RETIREMENT (Muñoz).** Requests the Legislative Council to create the Public Safety Pensions Task Force to evaluate the existing retirement plans for all municipal and state public safety members of PERA and to assess the options and make recommendations for changes to those plans that will help ensure their continued solvency; the task force is to provide its recommendations and their impact on the solvency of the plans to the interim Investments and Pensions Oversight Committee no later than October 1, 2012; the task force is to identify any unique health and safety aspects associated with police, firefighters and other uniformed occupations based on existing studies by recommended experts; one of the nine members of the task force shall be the executive director of the Municipal League.
- SM 27 COVERAGE FOR CHILDREN HURT BY NEGLIGENCE (Curtis).** Requests the Legislative Health and Human Services and the Courts, Corrections and Justice Interim Committees to study the vital public policy question of the moral and financial obligations that a public employer has to children catastrophically injured through the negligence of public employees; the Committees should consider the dire effects of the medical-expense cap on an injured child and the child's family; the Committees should study the need to increase the cap or to provide coverage through other avenues, such as insurance or reinsurance, and that the study include the availability and costs of purchasing insurance or self-insuring sufficiently to pay for the actual costs of the

lifetime medical care necessary to properly care for children catastrophically injured through the negligence of public employees.

**SM 33 ADDRESS INSTITUTIONAL RACISM (Lopez).** Requests every state-funded agency and entity to adopt a policy to address institutional racism no later than January 1, 2013.

**SM 41 SANTA FE TRAFFIC STUDY (Rodriguez).** Requests the Department of Transportation to provide a traffic study of the intersection of St. Francis Drive and West Zia Road for current traffic conditions and projected 20-year traffic conditions; the study is to include a signal timing analysis, particularly in relation to the New Mexico Railrunner Express, and an intersection geometric improvement analysis for improved operations and safety.

**SM 46 LAS CONCHAS FIREFIGHTERS' EFFORTS (Cisneros).** Same as HM 41.



**Vetoed Legislation**  
**50<sup>th</sup> Legislature, Second Session 2012**

HB 72	JUDICIAL RETIREMENT CHANGES (Stewart)	Veto
HB 98	NATIONAL GUARD IN “VETERAN” DEFINITION (Martinez, R.)	Pocket Veto
HB 186	CREATE ADDITIONAL JUDGESHIPS (Saavedra)	Veto
HB 188	INCREASE COUNTY OFFICIAL SALARIES (Park)	Veto
HB 261	COMMERCIAL DRIVER’S LICENSE RETESTING (Vigil)	Veto
HB 290	MOTOR VEHICLE TAX TO ROAD FUND (Lundstrom)	Veto
SB 2	CRIMINAL RECORD EXPUNGEMENT ACT (Sanchez, M.)	Veto
CS/SB 9	CORPORATE TAX RATES & COMBINED REPORTING (Wirth)	Veto
SB 59	CHILD MURDER AS AGGRAVATING CIRCUMSTANCE (Garcia)	Veto
SB 71	INTERLOCKS FOR CERTAIN CRIME CONVICTIONS (Asbill)	Veto
*SB 83	STATE FACILITY 5-YEAR MASTER PLANS (Ingle)	Pocket Veto
SB 225	CIGARETTE TAX DEFINITIONS (Lovejoy)	Veto
SB 302	BED & BREAKFAST BEER & WINE PERMITS (Griego, P.)	Veto