

LEGISLATIVE BULLETIN

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Sweeping for Solvency

Governor Susana Martinez delivered her State of the State address Tuesday during the opening day of the 57th Legislature. During the speech, she stressed the importance of working together to solve New Mexico's financial crisis. One way to accomplish this would be to diversify the state's economic base away from its historical dependence on the oil and gas industries. Economic development was a major theme during her 45-minute address as well as issues she has pushed during her terms, such as retaining third graders who are not proficient in reading and increasing DWI penalties.

Martinez was accompanied by several business executive whom she thanked for their decisions to locate or expand in New Mexico. Two programs the Governor touted were the Job Training Incentive Program and the Local Economic Development Act that have trained thousands for work and helped attract other businesses to New Mexico. She reiterated her opposition to any new taxes, instead calling for state government to reduce spending and to become more efficient. She also called on legislators to re-instate the death penalty for certain crimes such as killing a police officer or a child and adopt a three- strikes sentencing provision aimed at repeat offenders.

In the House, members elected Brian Egolf of Santa Fe as Speaker. In the Senate, Democrats elected Peter Wirth, also of Santa Fe, as Senate Majority Leader.

There were several bills introduced in both Houses that address New Mexico's solvency problem. Senate Bill 111, Revert Balance of Certain Funds introduced by Senators John Arthur Smith and Stuart Ingle, requires all FY 2017 balances of the Insurance Operations Fund, the Fire Protection Fund, the Fire Protection Grant Fund and the Law Enforcement Protection Fund to revert to the General Fund rather than carry forward for spending in FY 2018. Senate Bill 112, Capital Outlay Project Change, introduced by Senators Carlos Cisneros and Stuart Ingle, reverts many un-used Severance Tax Bond project funding to the General Fund. Most of the projects were authorized between 2013 and 2016.

Senate Bill 113, Reduce Appropriations and Transfer Funds introduced by Senators John Arthur Smith and Carlos Cisneros, reduces General Fund appropriations for the current fiscal year, transfers cash balances in certain funds to the General Fund, appropriates other state funds to offset some of the General Fund reductions, provides authority to reduce agency operating budgets and transfers remaining tobacco settlement fund cash balances to the General Fund, resulting in a \$105.9 million increase in General Fund balances. One of the transfers includes \$4 million from the Enhance 911 Fund. Included in the Bill is a \$7 million cut from the LEEDA Fund. Senate Finance Committee Substitute for SB 114 reduces the school districts' and charter schools' 2017 state equalization guarantees by \$49.3 million which is transferred to the General Fund. All four bills passed the Senate and are now in the House

There were identical bills introduced in the House, House Bills 4, 5, 6 and 7, introduced by Representative Patty Lundstrom, Chair of the House Appropriations and Finance Committee and co-sponsored by Representative George Dodge, Vice-Chair of the same Committee.

One bill that would have an impact on municipal and county road operations is Senate Bill 95, Gas Tax Increase and Distribution introduced by Senator Clemente Sanchez, that raises the gasoline tax from \$.17 to \$.27 per gallon with \$.05 to the state and \$.05 to local governments and the special fuels tax from \$.21 to \$.26 per gallon, except amounts to be distributed to the Tax Stabilization Reserve until the state reserves reach 10 percent. In addition, House Bill 63, Local Option Fuel Tax introduced by Representatives Roberto "Bobby" Gonzales and Randy Crowder, would authorize a locally imposed \$.05 per gallon tax on gasoline subject to referendum.

LEAGUE OFFICE PARKING DURING THE SESSION

Because of the demand for parking around the Capitol during the session, we must protect the availability of parking for our municipal officials and staff. In order to reduce the possibility of accidents, a few areas in our lots are designated by signs as “NO PARKING” AREAS.” If you are visiting the session and need to park in the League lots, please help us by observing the following rules:

- 1. Do not park in the areas designated as “NO PARKING” zones.*
 - 2. Obtain a League Parking Permit from the reception desk and leave it on the rear-view mirror of your car so that it’s easily visible.*
 - 3. DOUBLE PARKING OR PARKING BEHIND ANOTHER CAR IS NO LONGER PERMITTED IN OUR LOTS.*
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YOUR LEGISLATIVE BULLETIN

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

This year the League will publish the **Bulletin** electronically and will not distribute a printed copy. We will post the **Bulletin** on Friday mornings on the League’s website under the listing of “Publications.” We will then e-mail a link to the document to our membership through our list serve that we use to distribute *The Municipal Reporter*.

Municipal officials who receive the **Bulletin** include all mayors, commissioners, councilors, trustees, managers, clerks, municipal judges, police chiefs and many other municipal officials.

The **Legislative Bulletin** contains:

- ◆ a brief review of all bills of municipal interest of which we have received a copy since the prior Bulletin (it will save you and us time if you make a note of the House or Senate Bill number you are interested in);
- ◆ a brief analysis of key legislative developments of the past week;
- ◆ detailed explanations of key municipal bills; and, perhaps,
- ◆ an Action Call if any important municipal bill is scheduled to be heard in committee or on the floor of either house.

Your legislator can be reached by name through the **Legislative Switchboard: (505) 986-4300** in Santa Fe. For those of you on line, the Legislature’s web site also contains the e-mail addresses of those legislators who use the service. That address is: <http://www.nmlegis.gov>. Also check the League’s web site (www.nmml.org) for League information.

CAPITAL PROJECT FUNDING BILLS

Capital outlay project requests in recent years have not been introduced as legislative bills, but submitted as “capital outlay requests.” All approved requests are then included in a major capital outlay bill for final passage.

In past years we have reported these requests as we received the printed copies. The legislature will track all capital outlay requests electronically only. Therefore, we are no longer able to report the requests for you as we had in the past. However, the good news is that all requests will be listed on the legislative web site at nmlegis.gov (click on Capital Outlay). Each request is listed under the appropriate county and then alphabetically by title and includes the description of the request along with the dollar amount. Legislative Council Service will be updating the information every Tuesday and Friday evenings so the new introductions will be available for you early on Wednesdays and Saturdays. As always, you can contact your legislators directly to find out when your project will be scheduled for hearing.

BIOGRAPHY OF A BILL

A bill is introduced by a sponsoring legislator on the floor of either house, numbered by the clerk and referred for consideration to one or more committees of that house. The deadline for introduction of all bills except appropriations bills or bills requested by the Governor (*special messages*) is Noon on the 30th day of a 60-day session (**February 16**).

Committee recommendations usually determine the success or failure of a bill. A bill may be amended in committee or on the floor at any point in the process — sometimes changed so severely that its own author would not recognize it — or a substitute measure with the same number and general subject matter may be put in its place.

If you are interested in a particular bill, do not be dismayed if it seems to sit for a long time in committee, particularly in a tax, finance or appropriations committee. Bills which ask for money or for taxing authority often lie dormant until the last few days of a session and then move with unbelievable speed.

If a bill passes successfully through its committee referrals, it returns to the floor of the house in which it was introduced for floor consideration. If it passes that house, it goes to the other house. However, it may also be tabled, referred again or defeated.

In the second house the bill is again considered in one or several committees and it may again be amended or substituted. If it gets through its committee assignments, it returns to the floor of that house for consideration and may from there be referred, tabled, passed or defeated.

If the bill passes the second house and it has been amended or substituted by the second house, the originating house must concur or fail to concur with the changes. If the originating house fails to concur, a conference committee representing both houses is appointed to decide what to present to both houses for acceptance.

A bill that has been passed in some agreed-upon form by both the House and the Senate goes to the Governor for signature. The Governor may choose to sign or to veto the bill. If the bill contains an appropriation, the Governor may veto portions if she wishes (*line item veto*); if it does not, she may only veto the entire bill. If vetoed, 2/3 of the House and 2/3 of the Senate must vote in favor of the bill in order to override the veto. If the veto override fails, the bill is dead.

Most bills do not reach the Governor's desk before the Legislature adjourns (**Noon, March 18**). The Governor has 20 days following the close of the session (**Noon, April 7**) to sign, veto or fail to sign (*pocket veto*) any bill that he did not act on during the session. Any bill is much more likely to have died in committee or on the floor before even reaching the Governor's desk.

In New Mexico, no more than 1/4 to 1/3 of bills introduced ever make it all the way to enactment. The historic trend in New Mexico is for more and more introductions each succeeding session.

ABBREVIATION CODE

HB	House Bill	SB	Senate Bill
HCR	House Concurrent Resolution	SCR	Senate Concurrent Resolution
HJR	House Joint Resolution	SJR	Senate Joint resolution
HJM	House Joint Memorial	SJM	Senate Joint Memorial
HM	House Memorial	SM	Senate Memorial

* Contains Emergency Clause (effective immediately on Governor's signing)
 CA - Constitutional Amendment (requires approval by statewide electorate)

	HOUSE COMMITTEES	HCW	Committee of the Whole
HAFC	Appropriations and Finance	HEEC	Enrolling and Engrossing
HAWC	Agriculture and Water Resources		
HBIC	Business and Industry	SENATE COMMITTEES	
HCPAC	Consumer and Public Affairs	SCC	Committee's Committee
HEC	Education	SCONC	Conservation
HENRC	Energy, Environment and Natural Resources	SCORC	Corporations and Transportation
HHHC	Health and Human Services	SCW	Committee of the Whole
HJC	Judiciary	SEC	Education
HLEDC	Labor and Economic Development	SFC	Finance
HRC	Rules and Order of Business	SIAC	Indian and Cultural Affairs
HLELC	Local Government, Elections, Land Grant & Cultural Affairs	SJC	Judiciary
HSIVC	State Government, Indian & Veterans Affairs	SPAC	Public Affairs
HTRC	Taxation & Revenue	SRC	Rules
HTPWC	Transportation, Public Works & Capital Improvements		

Bill Introductions through Wednesday, January 18, 2017 (Includes Pre-Filed Bills)

- HB 2 GENERAL APPROPRIATIONS ACT OF 2017 (Lundstrom) HAFC**
- HB 4 REVERT BALANCES OF CERTAIN FUNDS (Lundstrom) Same as SB 111. HAFC**
- HB 5 CAPITAL OUTLAY PROJECT CHANGES (Lundstrom) Same as SB 112. HAFC**
- HB 6 REDUCE APPROPRIATIONS AND TRANSFER FUNDS (Lundstrom) Same as SB 113. HAFC**
- HB 7 SCOOOL DISTRICT CASH BALANCES (Lundstrom) Same as SB 114. HAFC**
- HB 10 PUBLIC ACCOUNTABILITY ACT (Ely, Ivey Soto) Same as SB 72. HSIVC**
- HB 20 PUBLIC WORKS PREVAILING WAGE & PROJECTS (Rehm) Amends §13-4-11; the bill changes the way prevailing wage rates are determined by the director and eliminates contracts and projects for public roads, public highways, facilities of school districts, state chartered schools and post -secondary educational institutions. Effective 7/1/17. HTPWC/HLEDC/HJC**
- HB 27 INCREASE MINIMUM WAGE (Roybal Caballero) Amends §50-4-22; the bill increases the state minimum wage to \$15.00 per hour beginning January 1, 2018 and provides for annual cost of living increases beginning on Jan 1, 2018 based on annual increases in the consumer price index. HBIC/HJC**
- HB 32 E911 SURCHARGES ON COMMUNICATIONS SERVICES (Gonzales) Amends §63-9D-3, 63-9D-5, 63-9D-7 through 63-9D-8.1, 63-9D-10 through 63-9D-11.1, 63-9D-14, enacting new material and repealing §63-9D-4.1; the bill adds definitions and expands the meaning of terms to allow for future flexibility and provides the method of collection and administration of wireless 911 surcharges. HCPAC/HBIC**
- HB 39 GOVERNMENTAL LIQUOR LICENSE LEASING (Montoya) Amends §60-6A-10; the bill allows municipalities to extend coverage of governmental liquor licenses to unspecified nongovernmental entities. Effective 7/1/17. HSIVC/HBIC**
- HB 40 MUNICIPALITY OFFICER RECALL ELECTIONS (Roch) Amends §3-14-16; the bill requires that petitions for a recall of a municipal official in a commission-manager form of government until the official subject to recall has had the opportunity to respond to the allegations set forth by the proponents of the recall and a district court finds that probable cause exists for the recall. An official removed by recall cannot run for the same office until after the end of the term from which the official has been removed. The vacated office shall be filled in the same manner as an office vacated in any other manner. HLELC/HJC**
- HB 49 DWI INTERLOCK REQUIREMENTS (Garcia Richards) Amends §6-5-33.1 and 66-8-102; the bill provides for court monitored sobriety programs for people who do not have interlock devices. HCPAC/HJC/HAFC**
- HB 50 BACKGROUND CHECKS ON GUN TRANSFERS (Espinoza) Enacts new section of Chapter 30, Article 7; the bill requires unlicensed persons selling or receiving a firearm to have a licensed firearm dealer to facilitate the transfer of the firearm following the same guidelines that must be followed when the firearms dealer transfers a firearm, including a background check. Penalties are provided for failure to adhere to the provisions of the section. Effective 7/1/17. HCPAC/HJC**
- *HB 53 ALLOW CURFEW ORDINANCES (Gentry) Enacts new material in the Children’s Code and amends §32A-3B-3; the bill provides the governing body of an incorporated municipality or county with the authority to adopt a curfew ordinance to regulate the actions of children between midnight and 5:00 a.m. and also during school hours on week days. Required exceptions to the ordinance are set forth in the bill.**

The ordinance must include provisions for law enforcement to contact the parents of children detained and return the child to the custody of the parents unless doing so would endanger the health or safety of the child or place the child in protective custody if the parents are not available. No child may be placed in a secured setting pursuant to the bill. EMERGENCY CLAUSE. HLELC/HJC/HAFC

- HB 55 LIQUOR TAX FOR DWI GRANT FUND & DRUG COURTS (Trujillo, C)** Amends §7-1-6.40; the bill increases the distribution of liquor excise tax to the local DWI grant fund from 41.5% to 46% of the net receipts attributable to the tax. The distribution to the lottery tuition fund is eliminated and a distribution of 4% of the net receipts of the liquor excise tax is directed to the use of drug courts. Effective 7/1/17. HLELC/HTRC
- *HB 59 WATER PROJECT FUND PROJECTS (Ezzell)** Authorizes the New Mexico Finance Authority to make loans or grants for the following municipal projects: **Anthony** – flood prevention project; **Carlsbad** – water conservation or treatment, recycling or reuse project; **Cimarron** – water storage, conveyance and delivery project; **Clovis** – water conservation or treatment, recycling or reuse project; **Columbus** – water storage, conveyance and delivery project; **Eagle Nest** – water storage, conveyance and delivery project; **Elida** - water storage, conveyance and delivery project; water storage, conveyance and delivery project; **Jal** – water conservation or treatment, recycling or reuse project; **Portales** - water storage, conveyance and delivery project; **Red River** - water storage, conveyance and delivery project; **Santa Fe** - water storage, conveyance and delivery project; **Santa Rosa** – water conservation or treatment, recycling or reuse project; **Santa Rosa** - water storage, conveyance and delivery project; **Truth or Consequences** - water storage, conveyance and delivery project. EMERGENCY CLAUSE. HTRC
- HB 60 BROADBAND INFRASTRUCTURE DEVELOPMENT (Trujillo, C and Candelaria)** Amending §5-10-3; the bill amends the definition section of the Local Economic Development Act (LEDA) to include a definition for “broadband telecommunications network facilities” and expands the definition of “economic development project” or “project” to include infrastructure for rights-of-way for the placement of new broadband telecommunications network facilities. HLELC/HBIC
- HB 63 LOCAL OPTION FUEL TAX (Crowder)** Amending §§§§§§§§§§7-24A-1, 7-24A-3, 7-24A-5, 7-24A-6, 7-24A10, 7-24A-11, 7-24A-14, 7-24A17, 7-24A-18 and 66-6-25 and enacting new material; the bill amends, repeals and adds new sections to the County and Municipal Fuels Tax Act, previously entitled the County and Municipal Gasoline Tax Act. One section of the Motor Vehicle Code is also amended. The bill expands the fuels that may be taxed by a municipality or county and dedicates the proceeds for use only for public bridge and highway projects. Retail sellers of gasoline or special fuels must register with the municipality as a seller of fuel. The tax may be imposed at a rate of up to \$.05 per gallon by ordinance of the county or municipality in \$.01 increments. Before the ordinance goes into effect it must be approved by the voters of the county or municipality. The county fuel taxes may be imposed only within the county area outside of municipal boundaries, except in an H class county. A county or a municipality may not impose registration fees on vehicles subject to registration under the Motor Vehicle Code. Effective 7/1/17. HLELC/HTRC
- HB 67 INCREASE MINIMUM WAGE (Garcia, M)** Amends §50-4-22; the bill raises the state minimum wage to \$8.40 per hour from January 1, 2018 through December 31 of that year, \$9.20 per hour in 2019 and to \$10.10 in 2020. Each subsequent year the minimum wage rate is increased by the percent increase in the cost of living as determined by consumer price index for all urban consumers published by the U.S. Department of Labor. The tip minimum wage is set at 40% of the minimum wage. Effective 7/1/17. HLEDC/HBIC
- HB 79 HATE CRIMES AGAINST LAW ENFORCEMENT (Gentry)** Amends §§31-18B-1 and 31-18B-2. The bill amends the Hate Crimes Act to add law enforcement officers, firefighters and emergency medical technicians as persons whose status causes someone to be “motivated by hate” to commit a crime against someone in one of those professions. Effective 7/1/17. HCPAC/HJC/HAFC
- HB 97 MUNICIPAL LIFE INSURANCE BENEFITS TRUST (Adkins)** Enacts new material; the bill authorizes a municipal treasurer, with the advice and consent of the municipal board of finance, to

establish a municipal post-employment life insurance benefits trust and act as the trustee of the trust. The money in the trust is dedicated exclusively to funding post-retirement life insurance benefits for municipal retirees. HBIC/HJC

- HB 104 LOCAL ELECTION ACT (Bandy)** Amends (62)§1-1-19, 1-3-2, 1-3-4, 1-3-7, 1-12-71, 1-14-14, 1-16-8, 1-22-4, 1-22-6, 1-22-7, 1-22-8, 1-22-9, 1-22-10, 1-22-11, 1-22-12, 1-22-13, 1-22-17, 1-22-18, 1-22A-2, 1-22A-3, 1-24-2, 1-24-3, 4-48A-16, 4-48A-17, 21-13-8, 21-16-5.1, 21-16-14, 21-16-20, 21-16A-6, 22-7-1, 22-18-2, 22-18-4, 22-25-5, 22-26-5, 22-26A-10, 22-26A-11, 73-14-20, 73-14-20.1, 73-14-24, 73-14-25, 73-14-28.1, 73-14-55, 73-14-57, 73-14-58, 73-14-61, 73-14-62, 73-14-71, 73-14-73, 73-14-74, 73-14-78, 73-18-27, 73-18-28, 17-18-33 through 73-18-35, 73-18-41, 73-20-1, 73-20-37, 73-20-38, 73-20-46, 73-21-14 and 73-21-28 and enacting new material; the bill enacts the Local Election Act but does not include municipalities or counties as local governments. County clerks are charged with conducting the elections. Amendments to sections of school district and various other special district acts referring to election process allow those acts to comply with the new act. Effective 7/1/18. HLELC/HJC/HAFC
- HB 110 BENCH WARRANT JURISDICTION (Garcia Richards)** Amends §35-15-4; the bill allows law enforcement officers in counties contiguous to the county in which a violation of a municipal ordinance has been alleged, to serve a municipal court process or make an arrest for the municipality, with the exception of parking violations. Effective 7/1/17. HLELC/HJC
- HB 111 TRADITIONAL HISTORIC COMMUNITY QUALIFICATIONS (Gonzales)** Amends §3-2-3 and 3-7-1.1; the bill increases the number of counties that may have communities that qualify as traditional historic communities. Communities within a Class A county with a population of between 140,000 and 200,000 may now qualify and communities within a Class B county with a population between 30,000 and 40,000 people may also qualify. Effective 7/1/17. HLELC/HJC
- HB 116 NO LOCAL ENFORCEMENT OF FED IMMIGRATION LAW (Roybal Caballero)** Amends §29-1-10; the bill restricts use of state funds, equipment, personnel or resources for the purpose of detecting or apprehending persons whose only violation of law is that that are undocumented residents. Effective 7/1/17. HCPAC
- *HB 121 WEB-BASED CAPITAL OUTLAY PUBLICATION (McQueen)** Enacts new material; the bill requires the legislative council service to publish on the legislative website the list of capital projects that were adopted by the legislature and the names of the legislative sponsors who allocated all or a part of the appropriation or record if the governor allocated funds for the projects. EMERGENCY CLAUSE. HSIV
- HB 121 WEB-BASED CAPITAL OUTLAY PUBLICATION (McQueen)** Enacts new material; the bill requires the legislative council service to publish on the legislative website the list of capital projects that were adopted by the legislature and the names of the legislative sponsors who allocated all or a part of the appropriation or record if the governor allocated funds for the projects. EMERGENCY. HGUAC
- HB 128 INVESTMENT IN CERTAIN NM BUSINESSES (Trujillo, C)** Amends §7-27-5.15 and enacts new material; the bill amends a section of law that restricts the amount of the severance tax permanent fund that may be invested in New Mexico private equity funds or New Mexico businesses. New language in that section requires that one-fourth percent of the market value of the severance tax permanent fund be invested in business enterprises that are approved by the technology research collaborative. This restricts investment from any New Mexico business that performs technology transfer, research and development, research commercialization, manufacturing, training, marketing or public relations in any field of science or technology. The recipient of the funding has to operate its business within the state. The investments may represent no more than 49% of the total investment capital in a business, down from a controlling share of 51%. The bill creates the technology research collaborative with the economic development department as its fiscal agent. Members are the presidents of UNM, NMSU and NM Tech; five members appointed by the governor with consent of the Senate with expertise in the law, investment banking, venture capital, entrepreneurship or technology businesses; the directors of Los Alamos and Sandia national laboratories; and the secretary of economic development, who acts as a tie breaker. HLEDC

- HB 129 DWI BLOOD TEST REQUIREMENTS (Maestas Barnes)** Amends §§§§66-8-102, 66-8-107, 66-8-111 and 66-8-111.1; the bill updates language to comport with decisions made by the courts regarding the requirement to obtain a search warrant before a drug or alcohol blood test is administered to a person unless the person gives express consent to a chemical blood test. Effective 7/1/17. HCPAC
- HB 133 DRIVER’S LICENSE REVOCATION HEARINGS (Maestas Barnes)** Amends §66-8-112; the bill enumerates duties of a hearing officer of an administrative hearing to revoke a driver’s license or privilege and permits law enforcement officers to attend hearings by videoconference. Effective 7/1/17. HCPAC
- HJR 2 LAND GRANT FUND FOR ECONOMIC STIMULUS (McCamley)** Proposes to add a new section to Article 12 of the Constitution of New Mexico; the joint resolution proposes that a proportionate share be taken from each of the permanent land grant funds totaling \$7 billion to be distributed in the following manner: \$4 billion for infrastructure and energy projects; \$2 billion for applied research in clean energy and water technologies and technology transfer for those technologies; and \$1 billion for early childhood services. The US congress must approve the amendment if it is adopted at the next general election or a special election called specifically for the purpose of considering this constitutional amendment. HLEDC
- HM 1 REGIONAL WATER PLANNING PROCESS IMPROVEMENTS (Salazar, T)** Requests the Interstate Stream Commission to convene a task force to make recommendations to correct deficiencies in current state and regional water planning programs, one of which is the lack of local government and resident involvement in the process of updating current regional water plans.
- *SB 3 CARLSBAD BRINE WELL REMEDIATION (Leavell)** Appropriates \$500,000 from the General Fund to the Oil Conservation Division of the Energy, Minerals and Natural Resources Department develop a design-build request for proposals for remediation services for the Carlsbad brine well cavern. EMERGENCY CLAUSE. SCONC/SFC
- SB 4 CARLSBAD BRINE WELL REMEDIATION ADVISORY AUTHORITY (Leavell)** New material creates the Carlsbad Brine Well Remediation Advisory Authority; the mayor of the City of Carlsbad is to serve As chair along with six other members; the Authority shall set policy for and advise the Oil Conservation Division of the Energy, Minerals and Natural Resources Department on the remediation of the Carlsbad brine well; creates the Carlsbad Brine Well Remediation Fund; sunsets the Authority as of July 1, 2029. Effective 7/1/17. SCONC/SJC/SFC
- SB 7 SEX ASSAULT EXAM KIT POLICE CRIME LAB (McSorley)** Appropriates \$1.2 million from the General Fund to the Local Government Division for a municipal police department crime laboratory to process sexual assault examination kits, contingent upon a police department crime laboratory a match of at least \$2 million in fiscal years 2018 and 2019 for the municipality’s police department crime laboratory to process the kits. SPAC/SFC
- SB 24 LOCAL GOVERNMENT BROADBAND INFRASTRUCTURE (Padilla, James Smith)** Amends §5-17-2 to add broadband technology infrastructure to the definition of “services” under the Infrastructure Development Zone Act. SCORC/SPAC
- *SB 25 PRINT- & WEB-BASED CAPITAL OUTLAY PUBLICATIONS (Rue)** New material requires the Legislative Council Service, within three days after the governor has acted on a capital outlay bill, to publish on the legislature’s website a searchable listing of the capital projects in the bill that include: 1) the name of the person, whether a legislator or the governor, who allocated all or a portion of the appropriation or bond authorization for each project; 2) the amount allocated by that person for the project; 3) projects vetoed by line item; and 4) for each line item vetoed project, the name of each person who requested an allocation for the project and the amount of that allocation. The Council Service shall provide a paper copy upon request. EMERGENCY CLAUSE. SRC/SFC

- SB 36 RAISE MINIMUM WAGE (Soules)** Amends §50-4-22 to raise the minimum wage to \$8.45 per hour; exempts those employing 10 or fewer employees; exempts those who employ 10 or more with trainees; beginning January 1, 2018, increases the wage based on a cost of living factor calculated annually by the Workforce Solutions Department; does not preempt or replace an ordinance enacted by a municipality that sets a higher minimum wage. Effective 7/1/17. SSPAC/SCORC
- SB 37 LIQUOR LICENSE FOR NM-DISTILLED SPIRITS (Soules)** Amends §60-6A-4 to allow a liquor license for the sale of beer and wine and spirituous liquors distilled and bottled in New Mexico; requires an election but not a petition; the license shall be limited to certain geographic areas, such as an enterprise zone, a tax increment development district, an arts and cultural district, a MainStreet district, a frontier community or any other area that has been identified by the MainStreet program coordinator or the relevant local government as a location in need or revitalization or economic development. The fee for the license is \$2,000 annually. Effective 7/1/17. SRC/SCORC
- SB 41 EXTEND SOLAR MARKET TAX CREDIT (Stewart)** Amends §7-2-18.14; extends the solar tax credit to 10 percent beginning January 1, 2019 and reduces the credit until 2024 to five percent; raises the maximum annual aggregate caps from \$3 million to \$5 million for solar tax credits. SCONC/SCORC/SFC
- SB 43 SALE OF PUBLIC SECURITIES BY PUBLIC BODIES (Cervantes)** Amends §6-14-9 to add the New Mexico Finance Authority to the definition of a public body; new material authorizes a public body to adopt an authorizing instrument that delegates to one or more members, officers or employees of the public body, act in a fiduciary capacity within the scope of the authority and the parameters for the public securities set forth by the public body in the authorizing instrument, the authority to sign a contract for the purchase or sale of public securities or to accept a binding bid for public securities and to determine the final terms for public securities to be issued; the authorizing instrument shall be effective for 120 days or for a specified shorter period; requires an annual report to the New Mexico Finance Authority Oversight Committee as to the issuance of securities by the body involving a delegation of authority. Effective 7/1/17. SCORC/SJC
- *SB 44 WATER PROJECT FUND PROJECTS (Cervantes)** Same as HB 59. SCONC/SFC
- SB 46 E911 SURCHARGES ON COMMUNICATIONS SERVICES (Neville)** Amends §63-9D-3 to apply the 911 emergency surcharge to all communications services providers; authorizes a county to adopt an ordinance making it a violation for a person to knowingly dial 911 for the purpose of reporting a false alarm, making a false complaint or reporting false information; applies the surcharge to pre-paid wireless sales of 1.38 % of the gross value of each transaction and sets limitations of liability for pre-paid wireless sellers. Repeals §63-9D-4.1. SCORC/SPAC
- SB 51 OFF-ROAD VEHICLE LICENSE AND PLATES (Neville)** Amends §66-1-4.19 to add to the definitions that is a vehicle plate that are exempted under the Motor Vehicle Code; new material authorizes the department to issue off-highway plates to people who intend to use the vehicle on paved streets; if authorized by a local authority or the State Transportation Commission, a person may operate an off-highway vehicle on paved street if the operator wears eye protection and if under 18, wears a helmet; an operator off highway vehicles on paved streets is subject to the requirements for operators of moving and parked vehicle under the Motor Vehicle Code. Effective 7/1/17. SCORC/SFC
- SB 55 INCREASE FINES FOR CERTAIN DRIVING VIOLATIONS (Neville)** Amends §66-8-114 to increase the fines for careless driving to not less than \$100 or more than \$500; a subsequent conviction is a fine of not less than \$500 or more than \$1,000; increases the penalty assessment fine for texting while driving from \$25 to \$100; a subsequent conviction fine is from \$50 to \$200; fine for using a mobile device while driving increase from \$25 to \$100 for a first conviction and from \$50 to \$200 for subsequent convictions. Effective 7/1/17. SPAC/SJC

- SB 56 CONCEALED CARRY ELIGIBILITY (Neville)** Amends §30-7-2 to allow a person 18 years of age or older who is not prohibited by federal or state law from possessing or carrying a firearm may carry a loaded concealed handgun without a concealed carry permit. SPAC/SJC/SFC
- SB 57 LIQUOR DISPENSER LICENSE PRIVILEGE LEASES (Griggs)** New material allows a liquor dispenser licensee to lease the license privileges to another person; requires approval of the local government. Effective 7/1/17. SCORC/SJC
- SB 58 ALLOW CUSTOMERS TO BRING WINE TO RESTAURANTS (Griggs)** Amends §60-3A-12 to allow a customer to bring a bottle of wine to a restaurant that does not have that wine on the menu; dispenser may charge a corkage fee but is not required to do so; customer may take a partially consumed bottle brought on the premises home with a label stating the customer has brought his own bottle with him. Effective 7/1/17. SPAC/SCORC
- SB 61 ELECTRONIC COMMUNICATION PRIVACY ACT (Wirth, Dines)** New material prohibits a governmental entity from: 1) compelling or incentivizing the production of or access to electronic communication information from a service provider; 2) compelling the production or access to electronic device information from a person other than the device's authorized possession; or 3) accessing electronic device information by means of physical interaction or electronic communication with the electronic device. Accessing electronic communication information requires a warrant or wiretap order; sets several guidelines for emergency access to electronic information. SPAC/SJC
- SB 67 NOTIFICATION OF TIDD TO COUNTY TREASURER (Rodriguez)** Amends §5-15-9 to require a governing body that passes a resolution forming a tax increment development district to send a copy of the resolution to the County Treasurer. SCORC/SFC
- SB 72 PUBLIC ACCOUNTABILITY ACT (Ivey-Soto)** New material creates the Public Accountability Act; creates a 12-member Public Accountability Board of which one member is upon the recommendation of the Municipal League; Board is to receive and investigate complaints under the Act; the Board is to enforce civil compliance for a variety of different acts, including the Campaign Reporting Act, Government Conduct Act, Open Meetings Act and the Procurement Code; except where a local accountability board or its equivalent exists, the Board shall enforce the applicable civil compliance provisions of any local ordinances dealing with compliance issue and shall have concurrent jurisdiction with a local accountability board; complaints may be filed by any person except Board members; provides a process for hearing of complaints. The bill makes the new Board responsible for many of the reporting functions currently under the Secretary of State; amends the Lobbyist Regulation Act to exclude from the definition of a lobbyist the executive director of a non-profit or an intergovernmental or trade association organized under provisions of Section 501 (c) of the Internal Revenue Code who provides oral or written public testimony in connection with a legislative committee or in a rule-making proceeding and whose name and organization have been clearly and publicly identified; amends §2-15-7 to make the Legislative Ethics Committee a permanent committee with authority to meet during the interim and the legislative session; amends the Open Meetings Act to require a public body that takes action under an emergency situation to report its actions to the Public Accountability Board within 10 days and exempts meetings of the Board that relate to complaints and investigations; amends §34-10-2.1 to give the Judicial Standards Commission the same authority to regulate the conduct and character of Board members of the Public Accountability Board, court-appointed commissioners, judicial hearing officers, administrative law judges or special master while acting in a judicial capacity. Renames Chapter 2, article 15 NMSA 1978 as the Legislative Ethics Committee; repeals several sections and have various effective dates. SRC/SJC/SFC
- SB 75 DEFERRED COMPENSATION CHANGES (White)** Amends §10-7A-3; local public employees may participate in a deferred compensation plan selected by their local public body employer after it takes formal action conforming to board requirements; the type of deferred compensation investment options that may be approved include mutual funds, including stock, bond or capital preservation funds; local public employees may participate in deferred programs upon the filing of a local public body's participation agreement, conforming to board requirements. SPAC/SFC

- SB 76 MOVE OVER OR SLOW DOWN FOR HAZARD LIGHTS (White)** Amends §66-7-332; upon approaching a stationary vehicle, including a recovery or repair vehicle displaying flashing emergency or hazard lights, the driver, if reasonably safe to do so, drive in a lane not adjacent to the stationary, decrease the speed that is reasonable and prudent or drive in a lane not adjacent to the stationary vehicle at a reasonable speed and be prepared to stop. SCORC/SJC
- SB 80 STEMI TRIAGE PLAN COORDINATION (Morales)** Amends §24-10B-13 to require the Department of Health to coordinate with local and regional emergency medical services on the development and implementation of triage and transport plans for ST segment elevation myocardial infarction (STEMI) patients. SPAC/SFC
- SB 86 WATER RIGHTS NOTICES POSTED ONLINE (Cisneros)** Amends several sections to require the State Engineer to post applications, hearing notices, protest hearings and other water rights issues online. Effective 7/1/17. SCONC/SJC
- SB 92 REGIONAL HOUSING AUTHORITY FUNDING – GF (Papen)** Appropriates \$300,000 from the General Fund for purposes of funding the oversight of the Regional Housing Authorities by the New Mexico Mortgage Finance Authority. SPAC/SFC
- SB 93 IPRA EXCEPTIONS FOR EMPLOYMENT (Papen)** Amends §14-2-1 to add to the list of exceptions for inspection of public records the records that would reveal the identity of an applicant for public employment in the state; provided that the name and resume of the finalist for the head of any agency, state institution or political subdivision of the state shall be made available prominently on the entity's website no fewer than seven days prior to the final decision to hire the individual. SPAC/SJC
- SB 94 NONATHLETIC EVENTS GROSS RECEIPTS (Papen)** Amends §7-9-104 to increase the time frame from 2017 to 2022 for a gross receipts tax deduction for non-athletic special events held at a venue that is located on a campus of a post-secondary educational institution within 50 mile of the New Mexico border and accommodates at least 10,000 persons. SCORC/SFC
- SB 95 GAS TAX INCREASE AND DISTRIBUTION (Sanchez)** Amends several sections; raises the gasoline tax from \$.17 to \$.27 per gallon; raises the special fuels tax from \$.21 to \$.26 per gallon; distributes the new revenue \$.05 to the state and \$.05 to local governments, except amounts to be distributed to the Tax Stabilization Reserve until the state reserves reach 10 percent. Effective 7/1/17. SCORC/SFC
- *SB 101 SEVERANCE TAX BOND PROJECTS (Cisneros)** Authorizes the sale of Severance Tax Bonds for the following municipal projects: **Albuquerque** - \$20,075 for code compliance at Paradise Hills senior center; **Anthony** - \$57618 for improvement and code compliance at the community center; **Santa Rosa** - \$7,500 for improvements and code compliance at the Puerto Luna senior center; **Lordsburg** - \$15,000 for improvements and code compliance at the Ena Mitchell senior center; Ruidoso - \$141,696 for improvements and code compliance at the community center; **Española** - \$7,000 for improvement and code compliance at the Beatrice Martinez senior center; **Bloomfield** - \$5,200 for improvements and code compliance at the senior center; \$5,024 to purchase and install meals equipment at the senior center; **Corrales** - \$10,500 for improvements and code compliance at the senior center; \$76,661 to purchase vehicles for the senior center; **Truth or Consequences** - \$206,496 for improvements and code compliance at the Ken James senior center; **Magdalena** - \$13,800 for improvements and code compliance at the senior center; **Socorro** - \$84,524 for improvements and code compliance at the senior center; and **Cumbres and Toltec Scenic Railroad** - \$500,000 for track rehabilitation and boiler upgrades. EMERGENCY CLAUSE. SFC
- SB 111 REVERT BALANCES OF CERTAIN FUNDS (Smith, Ingle)** The bill would require all FY 2017 balances of the Insurance Operations Fund, the Fire Protection Fund, the Fire Protection Grant Fund and the Law Enforcement Protection Fund to revert to the General Fund rather than carry forward for spending in FY 2018. The bill would align each of the funds' revenue with spending during the same fiscal year going forward in FY 2018; the bill temporarily halts spending from the Fire Protection Fund to

the Fire Protection Grant Fund, but transfers would begin again in FY 2019 at the 40.2% rate; estimated total reverting to the General Fund is \$10.7 million. SFC

- *SB 112 CAPITAL OUTLAY PROJECT CHANGES (Cisneros, Ingle)** Reauthorizes taxable bond proceeds and other state funds to restore General Fund capital expenditures made on or before June 30, 2016. Suspends for one year the Severance Tax Bond capacity earmarked for water, tribal and colonias infrastructure funds and provides for non-recurring use of Severance Tax bonding capacity to address the solvency issue; de-authorizes the unexpended and unencumbered balances of projects authorized from 2013 to 2016; de-authorizes certain Severance Tax projects authorized in 2015 and 2016 for which no bonds have been sold; preserves water rights adjudication funding to the State Engineer and the Administrative Office of the Courts; allows for balances in the Capital Buildings Repair Fund to revert to the General Fund. Estimated reversion amount in 2017 is \$40.1million. EMERGENCY CLAUSE. SFC
- *SB 113 REDUCE APPROPRIATIONS & TRANSFER FUNDS (Smith, Cisneros)** The bill reduces General Fund appropriations for the current fiscal year, transfers cash balances in certain funds to the General Fund, appropriates other state funds to offset some of the General Fund reductions, provides authority to reduce agency operating budgets and transfers remaining tobacco settlement fund cash balances to the General Fund; results in a \$105.9 million increase in General Fund balances, including \$63.2 million in transfers from other state funds and \$42.7 million in reduced spending. One of the transfers includes \$4 million from the Enhance 911 Fund. EMERGENCY CLAUSE. SFC
- *SB 114 SCHOOL DISTRICT CASH BALANCES (Neville, Smith)** Reduces the school districts' and charter schools' 2017 state equalization guarantees by \$50 million. EMERGENCY CLAUSE. SFC
- SJR 5 CA: CONCEALED FIREARMS WITHOUT A PERMIT (Neville)** Amends Article 2, Section 6 of the New Mexico Constitution to allow a person who is 18 years of age or older and who is not prohibited by federal or state law from owning or carrying a firearm to carry a concealed firearm without a permit. SPREF
- SJR 6 CA: STATE MILLAGE FOR SCHOOL FUNDING (Stewart)** Amends Article 8, Section 2 of the New Mexico Constitution to raise the state-wide millage rate from 20 to 22; two mills of the 22 millage is dedicated to public schools. SRC/SJC/SFC