



THE 2020 LEGISLATIVE SESSION BEGINS – A YEAR FOR PERFECT VISION

The Second Session of the 54th Legislature started this week with the Governor’s State of the State address. The Governor recommends –

- Overhauling the State Pension Plan to provide solvency
- Legalizing Recreational Marijuana to diversify New Mexico’s economy
- Toughing penalties for human, drug and gun trafficking and expanding the State Police force by 60 officers
- Building a new scholarship program that provides tuition-free college to residents of New Mexico
- Increasing teacher pay, extending learning time for students and investing in a new early childhood trust fund

Noteworthy Bills Introduced this week are:

- HB 7 Extreme Risk Firearm Protection Order Act – Rep. Ely
- HB 38 Drugged Driving Penalties – Rep. Rehm
- HB 117 &
- SB 119 Lodger’s Tax Exemptions (Duplicate Bills) – Rep. Brown/Sen. Munoz
- HB 160 Cannabis Regulation Act – Rep. J. Martinez
- SB 5 Extreme Risk Firearm Protection Order Act – Sen. Cervantes/Rep. Ely/Garratt
- SB 65 Increasing the In-State Per Diem Rate – Sen. Woods/Griggs
- SB 72 PERA Solvency – Sen. Munoz
- SB 94 Retired Law Enforcement Returning to Work – Sen. Sanchez
- SB 110 Public Sector Collective Bargaining Changes – Sen. Stewart

For those of you who are new to this Bulletin, the New Mexico Municipal League provides a snapshot of what happens each week of the Session. This year, being an even numbered year, means that this Legislative Session will address only issues related to budgets, taxes and revenues. Bills that consider finance specific or germane as defined by the Merriam-Webster dictionary: being at once relevant and appropriate for this 30 day session. Legislation on other matters may be considered if the bill is on the Governor’s “call”.

We anticipate a fast-paced legislative session and the Municipal League will continue to report on issues that affect municipal government.

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 as well as send push notifications through the NMML App.

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
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For updated Committee assignments or additional information click [here](#) to be directed to the Legislative Home Page.

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 15th day of a 30-day session (January 31).

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, February 15**). The Governor has 20 days following the close of the session (**Noon, March 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	HPRF	House Pre-file
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	SPRF	Senate Pre-file

NMML Legislative Bulletin

Currently tracking 23 pieces of legislation

H 8 ELECTRIC GENERATING FACILITY ECON DISTRICTS (Patricia A Lundstrom)

**Referrals: HCEDC/HSEIC
HPREF [2] HCEDC/HSEIC-HCEDC**

House Bill 8 creates the Electric Generating Facility Economic District Act and provides authority, powers, and duties. HB 8 also imposes an Electric Generating Facility Economic District Gross Receipts Tax for bond issues. This bill declares an emergency.

H 105 LODGERS' TAX EXEMPTIONS (Cathrynn N Brown)

**Referrals: HLLC/HTRC
HPREF [2] HLLC/HTRC-HLLC**

House Bill 105 (HB 105) modifies certain exemptions and allowable uses of the Lodgers' Tax.

H 163 COMMUNITY SUPPLEMENTAL SUPPORT FUND (Candie Sweetser)

Referrals: HPREF

House Bill 163 creates a Community Supplemental Support Fund to assist eligible municipalities in providing certain governmental services. HB 163 authorizes appropriations from the Public Project Revolving Fund to the Community Supplemental Support Fund. HB 163 deletes certain outdated provisions of Section 6-21-6.1. NMSA 1978. HB 163 makes a recurring appropriation from the Public Project Revolving Fund to the Community Supplemental Support Fund, starting in FY2021.

H 167 WASTEWATER SYSTEM FINANCING (Randall Crowder)

Referrals: HPREF

House Bill 167 makes a recurring appropriation from the Public Project Revolving Fund to the Wastewater Facility Construction Loan Fund, starting in FY2021. HB 167 purpose is for wastewater system financing.

H 169 WATER RIGHTS FOR CANNABIS PRODUCTION (Christine Chandler)

Referrals: HPREF

House Bill 169 requires a cannabis producer to only use water obtained under a valid water right to produce cannabis and to provide the Department of Health with documentation demonstrating the producer's right to use the water for the purposes of the cannabis producer's license.

H 170 EXTEND SMALL BUSINESS SATURDAY (Doreen Y. Gallegos)

Referrals: HPREF

House Bill 170 makes a change to Section 7-9-116. NMSA 1978 to extend the sunset date to July 1, 2028, for retail sales made by certain businesses on the first Saturday after Thanksgiving.

H 173 GAS TAXES, NEW FUNDS & DISTRIBUTIONS (Matthew McQueen)

Referrals: HPREF

House Bill 173 levies, increases, and indexes fuel excise taxes and distributes the revenue equally to the State Road Fund, Clean Infrastructure Fund, and a low-income rebate fund that is created by the bill.

H 175 HISTORICALLY UNDERUTILIZED BUSSINESSES (Antonio Maestas)

Referrals: HPREF

House Bill 175 creates the Historically Underutilized Business Opportunity Act (HUB). HB 175 provides duties and encourages state agencies to use HUBs.

H 176 LAND LEASES BETWEEN LOCAL GOV'T AND STATE (Andrea Romero)

Referrals: HPREF

House Bill 176 clarifies that a municipality may use certain land for economic development. HB 176 increases certain lease terms between the state and local governments and school districts.

H 179 LOW-INCOME HOUSING GROSS RECEIPTS (Andrea Romero)

Referrals: HPREF

HPREF

House Bill 179 expands the Gross Receipts Tax deduction for certain sales to organizations that provide housing to low- and moderate-income families.

H 181 REGIONAL RETAIL ECON DEVELOPMENT PROJECTS (Matthew McQueen)

Referrals: HPREF

House Bill 181 authorizes the Economic Development Department to participate in certain local and regional retail economic development projects. HB 181 is effective on July 1, 2020.

H 182 NONTRANSFERABLE LIQUOR DISPENSER LICENSE (Matthew McQueen)

Referrals: HPREF

H 184 LAW ENFORCEMENT OFFICERS AT SCHOOLS (Patricio D Ruiloba)

Referrals: HPREF

S 4 COMPLETE COUNT IN 2020 CENSUS (William F. Burt)

Referrals: SCC/SPAC/SFC

SPREF [1] SCC/SPAC/SFC-SCC-germane-SPAC

Senate Bill 4 makes a FY2020 and FY2021 appropriation from the General Fund to the Department of Finance and Administration for outreach efforts to achieve a statewide complete count in the 2020 Census. SB 4 declares an emergency.

S 110 PUBLIC SECTOR COLLECTIVE BARGAINING CHANGES (Mimi Stewart)

Referrals: SCC/SPAC/SJC

SPREF [1] SCC/SPAC/SJC-SCC

Senate Bill 110 modifies several sections of the Public Employee Bargaining Act to clarify remedies available to the Public Employee Labor Relations Board. SB 110 eliminates local labor boards with exceptions. SB 110 repeals and re-enacts Sections 10-7E-10 and 10-7E-26. NMSA 1978. SB 110 repeals Section 10-7E-11. NMSA 1978.

S 119 LODGERS' TAX EXEMPTIONS (George K. Munoz)

Referrals: SCC/SCORC/SFC

SPREF [2] SCC/SCORC/SFC-SCC

Senate Bill modifies certain exemptions and allowable uses of the Lodgers' Tax.

S 120 EXPAND ALLOWED COUNTY TREASURER INVESTMENTS (Jacob Candelaria)

Referrals: SCC/SCORC/SFC

SPREF [2] SCC/SCORC/SFC-SCC

Senate Bill 120 makes a change to Section 6-10-10. NMSA 1978 to expand the types of investments permitted by the treasurers of certain counties and municipalities.

S 126 LAW ENFORCEMENT-ASSISTED DIVERSION (Nancy Rodriguez)

Referrals: SCC/SPAC/SFC

SPREF [2] SCC/SPAC/SFC-SCC

Senate Bill 126 makes a nonrecurring appropriation from the General Fund to the Local Government Division of the Department of Finance and Administration for law enforcement-assisted diversion in the city of Santa Fe, Santa Fe County, Rio Arriba County, Bernalillo County, and Dona Ana County.

S 131 TOBACCO PRODUCTS ACT (Linda M. Lopez)

Referrals: SCC/SPAC/SJC/SFC

SPREF [2] SCC/SPAC/SJC/SFC-SCC

S 143 COMMUNITY SOLAR ACT (Elizabeth Stefanics)

Referrals: SCC/SCONC/SFC
SPREF [2] SCC/SCONC/SFC-SCC

Senate Bill 143 enacts the Community Solar Act and provides for the establishment of a phased-in community solar program to facilitate the development and interconnection of community solar facilities. It requires rulemaking by the Public Regulation Commission. SB 143 provides for program review and devaluation. It creates the Community Solar Assistance Fund and makes appropriations.

S 144 AMBULANCE SERVICES (Pete Campos)

Referrals: SCC/SPAC/SFC
SPREF [2] SCC/SPAC/SFC-SCC

Senate Bill 144 creates the Ambulance Service Assistance Fund and establishes grant requirements. SB 144 appropriates nine-million dollars (\$9 million) to the fund.

S 145 CHANGES TO PUBLIC RECORDS REPORTING (Sander Rue)

Referrals: SCC/SPAC/SJC
SPREF [2] SCC/SPAC/SJC-SCC

Senate Bill 145 (SB 145) requires the publication on the sunshine portal of agreements to compromise, adjust, settle or pay a claim for damages or other relief against any governmental entity or public officer or employee. It eliminates an exception to public inspection for records pertaining to insurance coverage created or maintained by the Risk Management Division of the General Services Department. SB 145 clarifies the authority of the legislature to obtain records pertaining to certain claims against governmental entities, public officers or public employees. It removes the 180-day delay in releasing public records pertaining to claims against governmental entities, public officers or public employees after the occurrence of certain events. It changes and removes the events that trigger release of public records pertaining to certain claims against governmental entities, public officers or public employees. SB 145 eliminates criminal penalties for revealing confidential records pertaining to certain claims against governmental entities, public officers or public employees.

SJR 1 TRANSFER CITY OF SANTA FE AND STATE PROPERTY (Nancy Rodriguez)

Referrals: SRC/SCONC
SPREF [1] SRC/SCONC-SRC

Senate Joint Resolution 1 (SJR 1) ratifies and approves the trade and sale by the state to the City of Santa Fe of five tracts of state-owned real property located in the City of Santa Fe and the trade and sale by the city to the state of two tracts of city-owned real property.