

LEGISLATIVE BULLETIN

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TOUGH CHOICES AHEAD

This last week, the League hosted its 32nd Annual Municipal Day, where it took the opportunity to apprise members of the progress made during the First Session of the 55th Legislature. If you were unable to join on Wednesday, the recording is available at www.nmml.org/stillhavetopostwaitingforapproval. In general, the week saw a fair amount of movement on legislation affecting our membership; as always, you can find narrative of bills of import below.

Priorities to date:

- *House Bill 2* – House Appropriations and Finance Committee Substitute for House Bills 2 & 3 appropriates a total of \$7.39 billion for FY22, an increase of 4.6 percent over the current budget year with much of the \$332 million increase used to restore general fund dollars to costs temporarily covered with federal funds. The Act made its way out of the House this week and now makes its way to the Senate. The League supports using the general fund to cover operational needs and enterprise funds to provide executive agencies or departments with what they want. Currently, the state shifts costs to the local governments through the enterprise model to reduce its general fund exposure. Importantly, these monies also include a special appropriation to the Department of Transportation in the amount of \$170M for various needed road improvements.
- *House Bill 4* – The Senate Health and Public Affairs Committee heard this bill on Friday afternoon/evening and issued a do pass without recommendation, which in its current form remains a punitive measure without effect as to the behavior giving rise to risk, and as a result leaves significant gaps in our state for law enforcement training. The language in the substitute introduces a \$2M cap, but limits the cap to each claim, allowing for multiple plaintiffs to leverage a shared event to stack the caps, or a singular plaintiff to use an individual occurrence to accomplish the same result via alleging multiple claims therein.
- *House Bill 92* – HB 92 passed the House Floor last week, and has in the interim been referred first to the Senate Conservation Committee. As the bill stands, increasing the fee amount charged to municipal water systems by two cents will allow the New Mexico Environment Department the ability to obtain wider sample sizes and ensure both safe drinking water and the ability to identify potential safety violations. The League supports such a charge.
- *House Bill 108* – HB 108 currently awaits its hearing on the House Floor. It gives the Environment Department and Environmental Improvement Board the authority to update the fee schedule for solid waste facilities. The potential increases, which would be facilitated by rulemaking, could be much too steep a climb.
- *House Bill 162* – HB 162 changes the membership of the PERA Board from a 12-member elected board to a twelve-member appointed board from geographically diverse areas of the state. In addition, it removes the secretary of state as an ex officio member. While the changes in this bill dilute the membership of the PERA Board itself, it also ensures that Board members have as a prerequisite to their membership a higher degree of qualification.
- *House Bill 268* – This bill introduces the presumption that contraction of COVID-19 by certain workers in essential industries fulfills statutory requirements for injuries suffered out of and in the course of employment. If this proposal were to become law, it would increase medical and indemnity payments to

persons who may not, in fact, have contracted COVID-19 from their employment. Such an override of the normal evaluative process may have the corollary effect of increasing insurance rates in future years.

- *House Bill 285* – HB 285 authorizes \$222.9 million, including \$200 million from severance tax bond capacity, approximately \$19.5 million from other state funds, and nearly \$3.5 million from the general fund for the purpose of funding capital outlay projects statewide. The League supports this legislation.
- *Senate Bill 1* – SB 1 creates a 2020 income tax credit for those individuals already claiming a working families tax credit, and a gross receipts tax deduction for certain food vendors that offered services to-go; the bill importantly includes a hold harmless provision for local governments, distributing monies to municipalities and counties equivalent to lost revenue due to GRT deduction. The bill has thus far been amended twice to issue technical and clarificatory changes.
- *Senate Bill 227* – This police reform bill, as substituted in Senate Health and Public Affairs Committee on Wednesday, makes a number of changes to use of force guidelines and reporting within New Mexico’s law enforcement community. Changes still present in the bill include, among others, de-escalation, duty to intervene, no-knock warrants, and updated use of force policies. Public safety reform captured in Senate Bill 375 more closely describes the reform necessary to frontload justice and prevent the creation of victims.
- *Senate Bill 256* – SB 256 requires that the entirety of the projected remaining balances in the fire protection fund be distributed to the fire protection grant fund at the end of each fiscal year. The bill also converts the grant fund to non-reverting status, and requires the Fire Protection Grant Council to develop criteria for assessing the critical needs of recruiting and retention programs for volunteer firefighters. SB 256 moves New Mexico one step closer to more truthful taxation by ensuring that fees collected go directly to firefighting support within the state.
- *Senate Bill 375* – Public safety reform as here reflects a twenty-first century approach to policing and first responding in our state. This bill embraces modern ideas by frontloading justice, working to prevent victimhood, and investing directly in New Mexico’s first responder community. By emphasizing concepts such as competency, transparency, and accountability, SB 375 affixes actual solutions to many of the issues purportedly, and unsuccessfully, addressed by other pieces of legislation this year. A committee substitute in Senate Judiciary ensured the inclusion of the attorney general and that the roles of the certification and academy boards do not overlap or conflict.
- *Senate Bill 376* – This bill will increase litigation costs associated with the defense of claims brought under the Tort Claims Act and will successfully reset the value on many near-cap claims. By increasing sub-limits for real property, medical expenses, and other damages, the bill introduces a new cap of \$2.8M, nearly three times the current statutory cap that already exceeds most other states in the southwest. While a specific increase cannot at this time be projected, just five cap claims a year could net an additional \$8.75M in potential recoveries alone, in addition to a cost of defense that will now include reasonable attorney fees. As a result, insurance rates are certain to increase in future years.

This Bulletin contains:

- A brief review of bills of interest of which we have received a copy since the prior Bulletin (it will save time if you make a note of the House or Senate Bill number about which you are interested);
- A brief analysis of key legislative documents of the past two weeks;
- Detailed explanations of key municipal bills; and, in some instances,
- 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 our readers who prefer to communicate online, the legislature’s website also contained the email addresses of those legislators who use the service. That address is: <http://www.nmlegis.gov>. You can also check the League’s website (www.nmml.org) for other League information.

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Anatomy 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 18th).

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 discouraged 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 passes 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 dies.

Most bills do not reach the Governor's desk before the Legislature adjourns (noon, March 20th). The Governor has 20 days following the close of the session (noon, April 9th) 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 reaching the Governor's desk.

In New Mexico, very few bills make it all the way to enactment. The historic trend in New Mexico is for more and more introductions each succeeding session.

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General Abbreviation Codes

HB – House Bill

HCR – House Concurrent Resolution

HJR – House Joint Resolution
HJM – House Joint Memorial
HM – House Memorial
SB – Senate Bill
SCR – Senate Concurrent Resolution
SJR – Senate Joint Resolution
SJM – Senate Joint Memorial
SM – Senate Memorial
* - Contains Emergency Clause
CA – Constitutional Amendment

House Committees

HAFC – Appropriations and Finance
HAGC – Agriculture and Water Resources
HCEDC – Commerce and Economic Development
HCPAC – Consumer and Public Affairs
HCW – Committee of the Whole
HEC – Education
HENRC – Energy, Environment and Natural Resources
HHHC – Health and Human Services
HJC – Judiciary
HLLC – Local Government, Land Grants and Cultural Affairs
HLVMC – Labor, Veterans’ and Military Affairs
HRC – Rules and Order of Business
HSEIC – State Government, Elections & Indian Affairs
HTPWC – Transportation, Public Works & Capital Improvements
HTRC – Taxation and Revenue

Senate Committees

SCC – Committee’s Committee
SCONC – Conservation
SCW – Committee of the Whole
SEC – Education
SFC – Finance
SHPAC – Health and Public Affairs
SIRC – Indian, Rural and Cultural Affairs
SJC – Judiciary
SRC – Rules
STBTC – Tax, Business and Transportation

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Bills of Interest through February 26, 2021

HB 4 NM CIVIL RIGHTS ACT (Georgene Louis) House Bill 4 (HB 4): enacts the New Mexico Civil Rights Act. HB 4 permits an individual to bring a claim against a public body or person acting on behalf of or under the authority of a public body for a violation of the individual's rights, privileges, or immunities arising pursuant to the constitution of New Mexico. HB 4 prohibits the use of the defense of Qualified Immunity. HB 4 mandates attorney fees. HB 4 provides a three-year statute of limitations. HB 4 provides a definition for a public body. [1] HSEIC/HJC-HSEIC [2] DP-HJC- DNP-CS/DP [4] fl/a- PASSED/H (39-29) [6] SHPAC/SJC-SHPAC

HB 11 GRT & PERMANENT FUND FOR LEDA PROJECTS (Christine Chandler) House Bill 11 (HB 11) permits a portion of state and local Gross Receipts Tax revenue to be used as public support on certain economic development projects. This bill changes the name of the Local and Regional Economic Development Support Fund and its uses. HB 11 creates a business recovery grant program for rent and lease payments via a \$200 million investment commitment to the Economic Development Department from the Severance Tax Permanent Fund. This bill declares an emergency. [2] HCEDC/HTRC-HCEDC- DP/a-HTRC- HTRC- DNP-CS/DP - ref HAFC-HAFC [3] w/drn - PASSED/H (51-16) [5] SFC-SFC [6] DP/a [8] fl/a- PASSED/S (41-1) [6] h/cncrd

HB 20 HEALTHY WORKPLACES ACT (Christine Chandler) House Bill 20 (HB 20) creates the Healthy Workplaces Act to direct employers to provide earned sick leave and details the requirements and enforcement. HPREF [1] HLVMC/HJC-HLVMC [2] DNP-CS/DP-HJC [7] DNP-CS/DP-T

HB 26 EXCLUDE GREENFIELDS FROM CERTAIN TAXES (Andres G Romero) House Bill 26 (HB 26) removes greenfields, land areas that are primarily undeveloped (without infrastructure) or an area in a project that would build new structures and infrastructure instead of redevelopment from the Tax Increment for Development Act (TIDD). HB 26 narrows eligibility to redevelopment projects. HPREF [1] HLLC/HENRC-HLLC

HB 29 NO SCHOOL DISCRIMINATION FOR HAIR (Sheryl Williams Stapleton) House Bill 29 (HB 29) prohibits the imposition of discipline, discrimination or disparate treatment in schools based on the hair or cultural headdresses of a student. HB 29 adds three new terms to the Public-School Code and the Human Rights Act, for the purpose of this act. HB 29 is effective on July 1, 2021. HPREF [1] HEC/HJC-HEC [2] DP/a-HJC- DP/a [3] PASSED/H (66-0) [6] SEC/SJC-SEC

HB 37 PAID SICK LEAVE ACT (Angelica Rubio) House Bill 37 (HB 37) enacts the Paid Sick Leave Act. HB 37 requires accrual of paid sick leave for employees, provides remedies for violations, requires rulemaking, establishes burden of proof standards for retaliation cases and declares an emergency. HPREF [1] HLVMC/HJC-HLVMC

HB 38 PAID FAMILY & MEDICAL LEAVE ACT (Christine Chandler) House Bill 38 (HB 38) enacts the Paid Family and Medical Leave Act the Paid Family and Medical Leave Act Trust Fund. HB 38 also provides for payment to an eligible employee, limits the time allowed for paid family and medical leave. HB 38 provides for administration of the program by the Workforce Solutions Department. HB 38 enacts administrative penalties. HB 38 creates a temporary advisory committee. HPREF [1] HCEDC/HJC-HCEDC [3] DP/a-HJC [6] ref HJC/HAFC-HJC [7] DP/a-HAFC

HB 40 PRIVATE DETENTION FACILITY MORATORIUM ACT (Angelica Rubio) House Bill 40 (HB 40) enacts the Private Detention Facility Moratorium Act which removes the ability of the state to enter contracts with independent contractors to operate detention facilities; recommends terminating contracts with private jails in certain situations and makes the operation of a private detention facility unlawful. HPREF [1] HCPAC/HJC-HCPAC [2] DP-HJC [3] ref HJC/HAFC-HJC [4] DP/a-HAFC

HB 42 LOW-INCOME COMPREHENSIVE TAX REBATE CHANGES (Christine Chandler) House Bill 42 (HB 42) increases the threshold to qualify tax filers for the Low-income Comprehensive Tax Rebate. HPREF [1] HCPAC/HTRC-HCPAC [2] DP-HTRC

HB 44 UNEMPLOYMENT COMPENSATION RESTRICTION CHANGES (Patricia Roybal Caballero) House Bill 44 (HB 44) temporarily allow eligibility for unemployment compensation benefits during a public health emergency. HB 44 declares and emergency. HPREF [1] HLVMC/HJC-HLVMC

HB 50 PRIVATE RIGHT OF ACTION FOR CERTAIN STATUTES (Georgene Louis) House Bill 50 (HB 50) provides for a private right of action to enforce certain statutes by enacting new sections of the Oil and Gas Act, the Air Quality Control Act, the Hazardous Waste Act, the Solid Waste Act and the Water Quality Act. HPREF [1] HENRC/HJC-HENRC [2] DP/a-HJC

HB 55 PUBLICATION OF CAPITAL OUTLAY ALLOCATIONS (Matthew McQueen) House Bill 55 (HB 55) creates a new section of Chapter 2, Article 3 NMSA 1978 that requires publication of allocations of capital outlay project appropriations or bond authorizations by legislators or the governor. HPREF [1] HSEIC-HSEIC [2] DP [3] fl/a- PASSED/H (65-1) [5] SRC/SFC-SRC

HB 61 RESERVE POLICE OFFICER ACT (William Rehm) House Bill 61 (HB 61) enacts the Reserve Police Officer Act which allows governmental entities to commission reserve police officers to assist police officers, and amends laws to include reserve police officers. HPREF [1] HSEIC/HJC-HSEIC [2] DP-HJC

HB 65 INCREASE CERTAIN PERA MEMBER CONTRIBUTIONS (William Rehm) House Bill 65 (HB 65) makes changes to the Public Employees Retirement Act by increasing employee contributions, changing the maximum pension benefits calculation, and modifying cost-of-living increases. HPREF [1] HLVMC/HAFC-HLVMC

HB 71 MUNI AIRPORT CAR & PEER-TO-PEER RENTALS (Dayan Hochman-Vigil) House Bill 71 (HB 71) changes the Municipal Airport Law, Section 3-39 NMSA 1978. HB 71 provides replacement definitions under the definition section. HB 71 provides for agreements for a rental car company or a peer-to-peer vehicle sharing provider to operate at a municipal airport facility. HB 71 is effective on July 1, 2021. HPREF [1] HTPWC/HJC-HTPWC

HB 88 FINISHED HEMP PRODUCT SALES (Derrick Lente) House Bill 88 (HB 88) relates to the Hemp Manufacturing Act, Section 76-24 NMSA 1978. HB 88 authorizes the Environmental Improvement Board to regulate the distribution and sale of finished hemp products. HB 88 requires the Environmental Improvement Board to adopt rules. HB 88 prohibits a hemp distributor and hemp retailer from offering or furnishing to another person with or without consideration, a hemp product that does not meet the standards established pursuant to this act. HB 88 creates a petty misdemeanor charge for a person who violates a regulation adopted by the Environmental Improvement Board. HB 88 allows a compliance order issued to include suspension or revocation of any permit issued by the Department of Environment. HB 88 directs the penalties collected in violations of rules, regulations or permit conditions to be deposited in the General Fund for credit to the current School Fund. HB 88 adds and clarifies definitions. HB 88 makes technical and conforming changes. HB 88 is effective on July 1, 2021. HPREF [1] HAWC/HJC-HAWC [2] DP/a-HJC

HB 90 TAX PENALTIES & REMEDIES (Christine Chandler) House Bill 90 (HB 90) modifies the time period and procedure for tax credit applications by taxpayers. Tax fraud definition is expanded to include use of sales suppression software. HB 90 clarifies processes to protest property value and classifications. HPREF [1] HSEIC-HSEIC [2] ref HTRC-HSEIC- DP-HTRC- DP/a [3] PASSED/H (67-0) [6] STBTC/SJC-STBTC

HB 92 SAFE DRINKING WATER TESTING FUND (Doreen Y Gallegos) House Bill 92 (HB 92) establishes the Safe Drinking Water Testing Fund. HB 92 increases the water fee collected for each person who operates a public water supply system. HB 92 creates duties for the Taxation and Revenue Department. HB 92 requires reporting. HB 92 is effective on July 1, 2021. HPREF [1] HAWC/HTRC-HAWC [2] DP-HTRC [3] DP [6] PASSED/H (49-17) [8] SCONC/STBTC-SCONC

HB 96 CRIMINAL RECORDS & PUBLIC EMPLOYMENT (Andrea Romero) House Bill 96 (HB 96) revises the list of criminal records that cannot be considered in an application for public employment, licensure, or other

authority to practice a trade, business or profession, and enacts a new section of the Uniform Licensing Act that prohibits the exclusion from professional licensure of persons with certain criminal records. HPREF [1] HLVMC/HSEIC-HLVMC [2] DP-HSEIC [7] DP/a-T

HB 97 LOCAL GOV'T TOBACCO PRODUCT SALE ORDINANCES (Joanne Ferrary) Relating to tobacco products by clarifying that municipalities and counties may enact ordinances, charter amendments or regulations pertaining to the sales of tobacco products that are stricter than, but not in conflict with, the provisions of the Tobacco Products Act. HPREF [1] HHHHC/HLLC-HHHHC [2] DP-HLLC

HB 98 OMNIBUS TAX BILL (Javier I Martinez) House Bill 98 (HB 98) makes comprehensive changes to tax statutes including credits, garnishment of wages, Gross Receipts Tax, and technical changes. HPREF [1] HTRC-HTRC [2] DNP-CS/DP [3] fl/a- PASSED/H (65-0) [5] STBTC/SFC-STBTC

HB 102 VIOLENCE INTERVENTION PROGRAM ACT (Gail C. Chasey) House Bill 102 (HB 102) enacts the Violence Intervention Program Act, the Violence Intervention Program Fund, the Firearm Injury and Death Review Committee, and appropriates \$10,000,000 to the Fund. HPREF [1] HJC/HAFC-HJC [2] DP-HAFC

HB 105 ELECTRIC GENERATION PROJECT REQUIREMENTS (Nathan Small) House Bill 105/a (HB105/a) Relating to industrial revenue bonds by changing the method for determining an annual in-lieu tax payment for an electric generation or transmission facility project, providing for the sharing of in-lieu tax payments among certain school districts, clarifying that certain payments to the state for an electric transmission project shall be made by the person proposing the electric transmission project and declaring an emergency. HPREF [1] HENRC/HTRC-HENRC [2] DP/a-HTRC [3] DP

HB 110 PHASED MINIMUM WAGE INCREASE (Patricia Roybal Caballero) House Bill 110 (HB 110) increases the minimum wage for employees in phases, provides for an annual cost of living increase in that minimum wage rate beginning in 2025, and repeals Section 50-4-23 NMSA 1978 (being laws 1967, Chapter 242, Section 1, as amended), which provides for reduced minimum wages for persons with disabilities. HPREF [1] HLVMC/HCEDC-HLVMC [2] DP-HCEDC

HB 111 HOUSING DISCRIMINATION CHANGES (Andrea Romero) House Bill 111 (HB 111) prohibits certain discriminatory practices relating to the sale, rental, assignment, lease, or sublease of a property. It requires the provision of receipts for received rental payments and alters certain payments and fees associated with rental agreements. HB 111 alters the requirement for a written statement of deductions in certain circumstances and increases certain civil penalties. It increases the time permitted to remedy a breach of a rental agreement and increases periods of time required for certain notices. HB 111 requires that an enforceable notice of termination and damages comply with the Human Rights Act. It creates a presumption of retaliation under certain circumstances and requires the issuance of a judgment of restitution prior to a writ of restitution. It provides a resident the right to cure and staying the issuance and execution of a writ of restitution during an appeal. HB 111 prohibits an owner from refusing to renew or seeking to terminate a rental agreement during a declared emergency or disaster. It establishes the State Housing Council and provides duties. HPREF [1] HCPAC/HJC-HCPAC [2] DP-HJC

HB 119 TRAFFIC TICKET PAYMENTS (Eliseo Lee Alcon) House Bill 119 (HB 119) provides for the remittance of penalty assessments to the courts. HB 119 removes a condition allowing the Taxation and Revenue Department to perform an administrative suspension of certain permits or licenses. HB 119 allows a person charged with a traffic citation to pay the penalty assessment any time before the appearance in court. HB 119 provides that a uniform traffic citation is a summons. HB 119 requires that a traffic citation be submitted to the appropriate court within five days of issuance. HB 119 repeals Section 66-8-117 NMSA 1978. HB 119 is effective on July 1, 2021. [1] HCPAC/HJC-HCPAC [2] DP-HJC [4] DP/a [7] PASSED/H (67-0) [9] SHPAC/SJC-SHPAC

HB 148 UNEMPLOYMENT CONTRIBUTION RATE CHANGE (Christine Chandler) House Bill 148 (HB 148) makes changes to Section 51-1-11 NMSA 1978, to provide a temporary addition to the contribution rate of contributing employers and a temporary increase to the base wage for which employer contributions to the Unemployment Compensation Fund are made. HB 148 makes a nonrecurring appropriation from the General Fund to the Workforce Solutions Department in FY2021. [2] HLMVC/HAFC-HLMVC [3] DP/a-HAFC

HB 149 INSTALLMENT LOAN CHANGES (Susan K Herrera) House Bill 149 (HB 149) changes the permitted percentage rates for small loans pursuant to the New Mexico Bank Installment Loan Act and the New Mexico Small Loan Act, requires a license for certain lenders, and changes reporting requirements. [2] HCEDC/HJC-HCEDC

HB 187 DRUGGED DRIVING PENALTIES (William Rehm) House Bill 187 (HB 187) prohibits driving with certain amounts of controlled substances or metabolites in the blood; and provides that the ignition interlock requirement only applies to offenders with alcohol concentration in their blood or breath. [2] HCPAC/HJC-HCPAC

HB 192 EXTEND HUMAN RIGHTS ACT TO PUBLIC BODIES (Brittney Barreras) House Bill 192 (HB 192) extends the scope of the Human Rights Act to actions by public bodies and state agencies. [2] HLLC/HSEIC-HLLC [4] DP/a-HSEIC

HB 193 EXTREME RISK PROTECTION ORDER CHANGES (Daymon Ely) House Bill 193 (HB 193) allows certain law enforcement officers to constitute a reporting party pursuant to the Extreme Risk Firearm Protection Order Act, requires law enforcement to take possession of relinquished firearms under certain circumstances, changes reporting requirements, and prohibits the use in criminal proceedings of certain evidence establishing ownership of possession of firearm. [2] HCPAC/HJC-HCPAC [4] DNP-CS/DP-HJC [7] DP

HB 205 PROHIBIT SALE OF FLAVORED TOBACCO PRODUCTS (Elizabeth "Liz" Thomson) Relating to tobacco products by prohibiting the sale, possession, or purchase of flavored tobacco products, defining terms, conforming certain notice requirements and providing penalties. [2] HHHC/HCEDC-HHHC [6] DP/a-HCEDC

HB 206 UTILITY AFFORDABILITY & RELIEF ACT (Kristina Ortez) House Bill 206 (HB 206) addresses utilities. HB 206 enacts the Utility Affordability and Relief Act. HB 206 prohibits disconnections of utility customers who incurred arrears during the Coronavirus disease 2019 public health emergency and creates a program for partial forgiveness of utility bill arrears. HB 206 enacts the Community Energy Efficiency Development Block Grant Act and creates a Grant Program to implement energy efficiency measures in low-income households. House Bill 206 mandates utility reporting of customer disconnections, arrears and households with our service and require reports on energy affordability and access to electric and water utility service. HB 206 directs the exchange of information regarding every efficiency measure in the state. HB 206 authorizes utility rate preferences for low-income customers and creates a fund. [2] HCPAC/HENRC-HCPAC [4] DNP-CS/DP-HENRC [6] DNP-CS/DP

HB 254 LAW ENFORCEMENT USE OF DEADLY FORCE REPORTING (Patricia Roybal Caballero) House Bill 254 (HB 254) provides a reporting mechanism following the use of deadly force by a peace officer that results in great bodily harm or death and requires an independent investigation. [2] HCPAC/HJC-HCPAC [7] DNP-CS/DP-HJC

HB 261 UNM DATA FOR MUNI INCORPORATION PETITIONS (Willie D Madrid) House Bill 261 (HB 261) provides that a petition for municipal incorporation shall use population data provided by the University of New Mexico Bureau of Business and Economic Research. [2] HLLC/HSEIC-HLLC [6] DP/a-HSEIC

HB 263 POLICE USE OF FORCE REPORTING (Patricia Roybal Caballero) House Bill 263 (HB 263) provides a reporting mechanism following the use of deadly force by a peace officer that results in great bodily harm or death and requires an independent investigation. [2] HCPAC/HJC-HCPAC

HB 268 CORONAVIRUS & WORKERS' COMP (Dayan Hochman-Vigil) House Bill 268 (HB 268) amends workers compensation to create a presumption that coronavirus disease 2019 is an injury by accident arising out of and in the course of employment for essential employees. HB 268 permits employers to rebut the presumption and defines essential employee HB 268 prohibits workers compensation insurers from using coronavirus disease 2018 claims in developing rating plants. Declares an emergency. [2] HLVMC/HSEIC-HLVMC [6] DP/a-HSEIC

HB 274 RETURN & RELOCATION ACT (Linda Serrato) House Bill 274 relates to economic development and enacts the Return and Relocation Act. HB 274 directs the economic development department to create a loan repayment pilot program to assist businesses to recruit and retain eligible participants. HB 274 creates a fund and makes an appropriation. [3] HCEDC/HAFC-HCEDC [7] DNP-CS/DP-HAFC

HB 278 MANUFACTURING SERVICES GROSS RECEIPTS (Jason C. Harper) House Bill 278 (HB 278) amends Taxation to add manufacturing service providers to a gross receipts tax deduction for manufacturers. HB 278 provides a gross receipts tax deduction for certain business services. [3] HTRC-HTRC

HB 286 LAW ENFORCEMENT LICENSURE (Antonio Maestas) House Bill 286 (HB 286) applies the procedures of the Uniform Licensing Act to the New Mexico Law Enforcement Academy Board; requires that the Regulation and Licensing Board, instead of the Public Safety Advisory Commission, administer suspensions or revocations of police officer certifications; eliminates the appeal process; abolishes the Public Safety Advisory Commission, and repeals the Peace Officer's Employer-Employee Relations Act. [4] HCPAC/HJC-HCPAC [7] DNP-CS/DP-HJC

HM 10 NEW WATER APPROPRIATIONS & PUBLIC WELFARE (Randall T Pettigrew) House Memorial 10 (HM 10) requests the state engineer to establish or otherwise define the type of facts and public policy that will determine whether granting an application for a new appropriation of water will be detrimental to the public welfare of the state. [4] HAWC-HAWC

SB 1 RESTAURANT GROSS RECEIPT TAX DEDUCTION (Peter Wirth) Senate Bill 1 (SB 1) creates a 2020 personal income tax rebate and a temporary Gross Receipts Tax (GRT) deduction for certain restaurants. To balance the loss of GRT, SB 1 distributes the decrease in revenue to local governments. [1] STBTC/SFC-STBTC [3] DP-SFC- DP/a [5] fl/a- PASSED/S (42-0) [3] HTRC-HTRC [4] DP [7] PASSED/H (66-1)

SB 4 REDISTRICTING PRECINCT BOUNDARIES (Daniel A Ivey-Soto) Senate Bill 4 (SB 4) establishes timelines for the creation or redrawing of election districts and allows for adjustments to the release of nomination petitions following the redistricting process. [1] SRC/SJC-SRC [3] DP-SJC [5] DP/a [8] PASSED/S (41-0) [6] HSEIC/HJC-HSEIC

SB 13 CANNABIS REGULATION ACT (Daniel A Ivey-Soto) Senate Bill 13 (SB 13) enacts the Cannabis Regulation Act and legalizes, regulates industry, and taxes recreational marijuana for people 21 or older. SB 13 imposes a 20% sales tax on cannabis sales. **Relationship to Other Bills:** SB 288, HB 12, HB 17 [3] STBTC/SJC-STBTC

SB 14 ELECTION CHANGES (Linda M. Lopez) Senate Bill 14 (SB14) establishes a process for automatic voter registration for those who are considered qualified electors and qualified residents in New Mexico who are eligible to vote. This legislation requires updates to existing registered voters. The Motor Vehicle Division (MVD) and other agencies will be required to report citizenship to the Secretary of State during a transaction and requires the opportunity for a person to opt out of automatic voter registration. [3] SRC/SJC-SRC

SB 20 TRANSPORTATION PROJECT FUND (Roberto "Bobby" Gonzales) Senate Bill 20 (SB20) This bill distributes funds from the Motor Vehicle Excise Tax to the Transportation Project Fund instead of the Local Governments Road Fund. [1] STBTC/SFC-STBTC [3] DP-SFC [8] DP [9] PASSED/S (42-0)

SB 26 GROSS RECEIPTS TAX DEDUCTION FOR DATA CENTERS (Michael Padilla) Senate Bill 26 (SB26) provides gross receipts tax and compensating tax deductions for data centers. SB ?? also creates a method of valuation for property tax purposes for certain data center property. [1] STBTC/SFC-STBTC

SB 39 NAMES OF FINALISTS FOR EXECUTIVE POSITIONS (Bill Tallman) Senate Bill 39 (SB 39) provides an exemption to the Inspection of Public Records Act for the identity of those applying for appointive executive positions and creates an exception to that proposed exemption for the finalists for these appointive positions. SB 39 declares an emergency. [1] SHPAC/SJC-SHPAC [3] DP-SJC

SB 48 ELECTION CHANGES (Pat Woods) This bill makes numerous changes to the Election Code, such as requiring the Secretary of State to supply sufficient postage funds to county clerks, eliminates election day voting location voter registration, adjusts the time frame for processing registrations after an election, revises the requirements for returning and handling mailed ballots, prescribes election day working hours for the Absent Voter Election Board, eliminates third-party agents for voter registration and mailed ballot applications, and repeals two sections of the Election code. [1] SRC/SJC/SFC-SRC [9] DNP-CS/DP-SJC

SB 49 USES OF LOCAL ECON DEVELOPMENT FUNDING (Pat Woods) This bill allows municipalities to use up to 25% of Local Economic Development Act funding for retail business. [1] SHPAC/STBT-SHPAC [3] DNP-CS/DP-STBTC [5] DNP-CS/DP [6] ref SFC-SFC [9] w/drn

SB 52 EXTENDED UNEMPLOYMENT BENEFITS (Bill B. O'Neill) Senate Bill 52 (SB52) makes a change to Section 51-1-48 NMSA 1978, to provide certain extended unemployment benefits. [1] STBTC/SFC-STBTC [3] DP-SFC [5] DP [8] PASSED/S (39-0) [6] HLVMC-HLVMC

SB 53 PROCUREMENT CHANGES (Bill B. O'Neill) Senate Bill 53 (SB 53) creates preferences and certification requirements for resident minority businesses and resident tribal businesses. SB 53 retains the resident veteran business preference. SB 53 authorizes procurements for exclusive bidding by New Mexico businesses or small businesses. SB 53 adds and revises definitions in the procurement code. SB 53 specifies when the negotiation process ends. SB 53 clarifies electronic submission requirements. SB53 allows virtual bid openings. SB 53 revises chief procurement officer registration requirements. SB 53 clarifies reporting requirements for in state and out-of-state contracts. SB 53 applies the procurement code to marketing. SB 53 allows the rejection of identical low bids based on the appearance of non-independent bidding. SB 53 specifies posting requirements for emergency procurement. SB5 3 prescribes requirements for purchases of sustainable and recycled content goods. SB 53 authorizes audits related to sales under a contract. SB 53 defines offerors for purposes of protesting an award. SB 53 requires reporting on contracts awarded to New Mexico businesses. SB 53 allows the purchase of electric and gas-electric hybrid vehicles made outside North America. SB 53 changes, repeals, and enacts sections of the NMSA 1978. SB 53 is effective on July 1, 2021. [1] STBTC/SJC-STBTC [3] DNP-CS/DP-SJC

SB 58 ELECTRIC VEHICLE CHARGING UNIT CREDIT (Bill Tallman) Senate Bill 58 (SB58) creates the Electric Vehicle Income Tax Credit. SB58 creates the Electric Vehicle Charging Unit Income Tax Credit. SB58 requires an additional registration fee for electric and plug-in hybrid electric vehicles. SB58 provides that the additional registration fees be distributed to the State Road Fund and the Local Governments Road Fund. The provisions of Sections 1 and 2 apply to taxable years beginning on or after January 1, 2021. The effective date of Sections 3 and 4 of this act January 1, 2022. [1] STBTC/SFC-STBTC

SB 64 FEDERALLY INSURED OBLIGATIONS (Nancy Rodriguez) Senate Bill 64 (SB 64) clarifies types of federally insured obligations local government treasurers may invest public money. [1] SHPAC/STBT-SHPAC [3] DP-STBTC [5] DP [9] PASSED/S (41-0) [7] HLLC/HCEDC-HLLC

SB 72 ELECTRIC GENERATION PROJECT REQUIREMENTS (Steven P. Neville) Senate Bill 72 (SB72) changes the method for determining an annual in-lieu tax payment for an electric generation or transmission facility project. Provides for the sharing of in-lieu tax payments among certain school districts. Clarifies that certain payments to the state for an electric transmission project will be made by the person proposing the electric transmission project. SB72 declares an emergency. [1] STBTC/SFC-STBTC [5] DP/a-SFC

SB 87 NO RETALIATION FOR IPRA (Jacob Candelaria) Amends the Inspection of Public Records Act by prohibiting retaliation and providing civil liability for a custodian or public body for taking retaliatory action against a person who requested public records. [1] SHPAC/SJC-SHPAC [3] DP-SJC

SB 88 PUBLIC PROJECT REVOLVING FUND PROJECTS (Jacob Candelaria) Senate Bill 88 (SB88) authorizes the New Mexico Finance Authority to make loans for public projects from the Public Project Revolving Fund. SB 88 declares an emergency. [1] SCONC/SFC-SCONC [3] DP-SFC [8] DP [9] fl/a- PASSED/S (42-0)

SB 91 LOCAL ECONOMIC DEVELOPMENT RETAIL BUSINESSES (Ron Griggs) This bill amends the Local Economic Development Act by including retail businesses located in unincorporated areas of a county and allowing funding to be used for rehabilitation or remodeling of a business. [1] STBTC/SFC-STBTC

SB 95 LOCAL GOV'T TOBACCO PRODUCT SALE ORDINANCES (Linda M. Lopez) Relating to tobacco products by clarifying that municipalities and counties may enact ordinances, charter amendments or regulations pertaining to the sales of tobacco products that are stricter than, but not in conflict with, the provisions of the Tobacco Products Act. [1] SHPAC/SJC-SHPAC [3] DP-SJC

SB 105 LAW ENFORCEMENT ASSISTED DIVERSION (Nancy Rodriguez) Senate Bill 105 (SB 105) appropriates one million dollars (\$1,000,000) to the Local Government Division for law-enforcement assisted diversion. [1] SJC/SFC-SJC [3] DP-SFC

SB 116 UNLEADED FUEL SALES AT AIRPORTS (William Soules) Senate Bill 116 (SB 116) allows the sale of unleaded fuel at airports. [1] SHPAC/STBT-SHPAC [3] DP-STBTC

SB 125 GOVERNING BODY ACTING WITH A MAJORITY PRESENT (Cliff R. Pirtle) This bill provides that a majority of members of a governing body present at a meeting can adopt an ordinance or resolution. [1] SHPAC/SJC-SHPAC [3] DP-SJC

SB 136 LOCAL OPTION FOR RESTAURANTS (William Soules) Senate Bill 136 (SB 136) provides that a local option district may hold an election to allow the sale by certain restaurant licenses of spirituous liquors distilled and bottled in New Mexico. [3] SRC/STBTC-SRC- DP-STBTC

SB 168 INCREASE GAS TAX (Roberto "Bobby" Gonzales) Senate Bill 168 (SB 168) incrementally increases the Gasoline Tax and Special Fuel Excise Tax one cent through 2025. [3] STBTC/SFC-STBTC [9] DP-SFC

SB 176 GENERAL APPROPRIATION ACT OF 2021 (George K Munoz) Senate Bill 176 (SB 176) enacts the General Appropriation Act of 2021 and appropriates funds to state agencies for use in Fiscal Year 2022 and provides for a 1.5% salary increase to certain state employees, and an additional salary increase to frontline health and social services employees employed by state agencies, and a two percent salary increase to judges and magistrates. [3] SFC-SFC

SB 192 LAW ENFORCEMENT DISCLOSURE OF EVIDENCE (Linda M. Lopez) Senate Bill 192 (SB 192) requires law enforcement agencies and peace officers to disclose evidence favorable to an accused in a criminal case. SB 192 allows for certain actions against a police officer's certification for failure to perform disclosure duties or for hindrance of another peace officer's performance of those duties. SB 192 provides a penalty. [3] SHPAC/SJC-SHPAC [5] w/o rec-SJC

SB 194 PUBLIC CORRUPTION ACT (Mark Moores) Senate Bill 194 (SB 194) creates the Public Corruption Act and provides penalties. It amends and enacts sections of the NMSA 1978. [3] SHPAC/SJC-SHPAC [5] DP-SJC

SB 220 EXCEPTIONS FOR BODY CAMERAS (Joseph Cervantes) Senate Bill 220 (SB 220) provides exceptions to the requirement that law enforcement use body-worn cameras in certain situations. [3] SHPAC/SJC-SHPAC [6] DP-SJC

SB 226 RETENTION OF FUNDING BY MUNICIPALITIES (George K Munoz) Relating to taxation by allowing certain municipalities to retain ninety percent of a distribution to offset gross receipts deduction for food and health care practitioner services and clarifying that certain other municipalities and counties that did not have in effect on June 30, 2019 a hold harmless gross receipts tax is exempt from the phase out of the distribution. [3] STBTC/SFC-STBTC

SB 227 INSPECTION OF POLICE MISCONDUCT INVESTIGATION (Linda M. Lopez) Senate Bill 227 (SB 227) enacts a new section of the Department of Public Safety Act. SB 227 also enacts the Law Enforcement Officer Procedures Act. SB 227 provides for the inspection of law enforcement misconduct investigations. SB 227 changes the crime of justifiable homicide by a public officer or public employee. SB 227 regulates the use of physical force by officers. SB 227 establishes a duty of officers to intervene. SB 227 requires the use of force policies. SB 227 prescribes standards for serving search warrants. SB 227 requires no later than ninety days after the effective date of this 2021 act, the head of each law enforcement agency to publish the use of force policy required by this act, in a location that is accessible to the public and in a conspicuous place on the agency's website. SB 227 requires the secretary to prepare an annual report regarding all officer-involved injuries or deaths that occurred during the preceding fiscal year. On or before September 30 of each year, the secretary will post the report on the department's website. **Relationship to Other Bills:** SB 227 relates to HB 61, HB 102, HB 254, SB 192, SB 220, SB 267, SB 274, SB 319. [3] SHPAC/SJC-SHPAC [9] DNP-CS/DP-SJC

SB 256 FIRE PROTECTION FUND (William F Burt) Senate Bill 256 (SB 256) increases transfers from the Fire Protection Fund to the Fire Protection Grant Fund. SB 256 provides that the Fire Protection Grant Fund will not revert at the end of a fiscal year. SB 256 removes the requirement that stipends for volunteer firefighters be provided only in underserved areas. SB 256 requires that the Fire Protection Grant Council assess the need for recruiting and retention programs for volunteer firefighters. SB 256 is effective on July 1, 2021. [3] STBTC/SFC-STBTC [9] DP/a-SFC

SB 261 COVID PRESUMPTION FOR FIREFIGHTERS (George K Munoz) Relating to health by adding pandemic disease to the list of conditions presumed to be proximately caused by employment as a firefighter and revising a provision relating to breast cancer. [3] SHPAC/SJC-SHPAC

SB 273 DEFINITION OF RURAL LIBRARY (Jerry Ortiz y Pino) Senate Bill 273 (SB 273) revises the definition of Rural Library to tie the definition to the population as determined by the federal census rather than the population at the time the library was established. [3] SIRC/SHPAC-SIRC- DNP-CS/DP-SHPAC [9] DP - PASSED/S (42-0)

SB 288 CANNABIS REGULATION ACT (Cliff R. Pirtle) Senate Bill 288 (SB 288) enacts the Cannabis Regulation Act and the Cannabis Tax Act and legalizes, regulates, and taxes recreational marijuana for people 21 or older. SB 288 creates a state agency, Cannabis Control Commission to oversee state-controlled cannabis sales. The bill

establishes the Cannabis Regulation Fund and the Road Safety Fund and imposes a 2% excise tax. SB makes an appropriation and declares an emergency. **Relationship to Other Bills:** SB 13, HB 12, HB 17. [3] STBTC/SJC/SFC-STBTC

SB 326 LIMIT USE OF PESTICIDES AT SCHOOLS (Brenda McKenna) Senate Bill 326 (SB 326) enacts the Public Schools Pesticide Management Act. SB 326 enacts new sections of the NMSA 1978. SB 326 limits the use of pesticides on public grounds and school grounds. SB 326 provides duties and procedures for pesticide use by the state, local governments, and public schools. SB 326 provides definitions. SB 326 provides exemptions. SB 326 is effective on July 1, 2021. [5] SEC/SCONC/SFC-SEC

SB 327 RELEASE OF CERTAIN SENSITIVE INFO (Antoinette Sedillo-Lopez) Senate Bill 327 (SB 327) prohibits the disclosure of sensitive personal information by state agency and court employees and restricts the disclosure of certain information by certain state employees. [5] SHPAC/SJC-SHPAC

SB 328 WATER & SANITATION GROSS RECEIPTS (Roberto "Bobby" Gonzales) Senate Bill 328 (SB 328) removes the six-year limitation on imposition of the water and sanitation gross receipts tax. [5] STBTC/SFC-STBTC

SB 345 PER DIEM & MILEAGE ACT CHANGES (Roberto "Bobby" Gonzales) Senate Bill 345 (SB 345) makes changes to the rules regarding per diem attendance and reimbursement. [5] SHPAC/SFC-SHPAC

SB 369 ELECTRIC BICYCLE DEFINITION (Antoinette Sedillo-Lopez) Senate Bill 369 (SB 369) relates to transportation. SB 369 creates a definition for electric bicycles. SB 369 provides for the regulation and use of electric bicycles. SB 369 requires an electric bicycle to comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, set forth in 16 C.F.R. Part 1512. SB 369 requires manufacturers, distributors, and retail sellers of electric bicycles, after December 31, 2021, to apply a label permanently affixed in a prominent location on each electric bicycle manufactured or distributed in New Mexico. SB 369 provides guidelines. SB 369 creates requirements for minors. SB 369 also updates sections of the NMSA 1978 to conform to this act. [5] STBTC/SJC-STBTC

SB 371 LAW ENFORCEMENT MENTAL HEALTH PROGRAMS (William Soules) Relating to law enforcement and requiring each law enforcement agency to establish a mental health wellness program for its law enforcement officers and establishing program requirements and requiring confidentiality. [5] SHPAC/SJC/SFC-SHPAC

SB 375 OFFICER TRAINING & CERTIFICATION (George K Munoz) Senate Bill 375 (SB 375) provides for new areas of emergency responder training, creates a law enforcement officer database, creates the Law Enforcement Certification Board, and requires the Law Enforcement Academy Board to transfer \$6,000,000 to the Law Enforcement Academy. [5] SJC/SFC-SJC [9] DNP-CS/DP-SFC

SB 376 PROHIBIT DEFENSE OF QUALIFIED IMMUNITY (Joseph Cervantes) Senate Bill 376 (SB 376) prohibits the use of the defense of qualified immunity and creates limitations on recovery, requires attorney fees and establishes statutes of limitations. [5] SHPAC/SJC-SHPAC

SB 386 RECORDATION TAX ACT (Ron Griggs) Senate Bill 386 (SB 386) enacts taxes for property recordings and food gross receipts. SB 386 exempts Social Security and Military Retirement from income tax. [6] STBTC/SFC-STBTC

SB 388 IPRA FEES FOR ELECTRONIC DOCUMENTS (Michael Padilla) Senate Bill 388 (SB 388) imposes limits on how much a custodian of public records can charge for electronic documents and reduces the fee for printed pages. [6] SHPAC/SJC-SHPAC

SB 393 VIBRANT COMMUNITIES ACT (Jerry Ortiz y Pino) Senate Bill 393 (SB 393) enacts the Vibrant Communities Act and amends and enacts sections of the NMSA 1978. [6] SHPAC/SFC-SHPAC

SB 394 MOTOR VEHICLE FEE EXEMPTION (Linda M. Lopez) Senate Bill 394 (SB 394) provides a motor vehicle registration fee exemption for low-income disabled persons. [6] STBTC/SFC-STBTC

SB 403 EMERGENCY DISPATCHERS AS POLICE UNDER PERA (David M Gallegos) Senate Bill 403 (SB 403) now includes emergency dispatchers as police members under the Public Employees Retirement Act. SB 403 also provides for elections pertaining to the adoption of the police member coverage plans for current emergency dispatchers. The election will be conducted in accordance with procedures adopted by the Retirement Board, and the Retirement Board will certify the results of the election to the secretary of state on or before January 1, 2022. [6] SHPAC/SFC-SHPAC

SJR 24 NONPROFIT EXEMPTION TO ANTI-DONATION, CA (Jerry Ortiz y Pino) Senate Joint Resolution 24 (SJR 24) proposes to amend Article 9, Section 14 of the NM Constitution to permit, under certain conditions, the state or any county or municipality to provide real estate, equipment, or money to be used by nonprofit organizations and cooperatives that provide goods or services to the public on behalf of the state or a county or municipality. [6] SRC/SJC-SRC