

## LEGISLATIVE BULLETIN

VOL. 2015-3

FEBRUARY 6, 2015

### House & Senate Rev Up Committee Hearings

Legislators continue to introduce bills, memorials and resolutions as the First Session of the 52<sup>nd</sup> Legislature finishes the third week of this 60-day session. The last day to introduce legislation is February 19.

A couple of bills the League is monitoring received committee action this week. House Bill 12, Water Budget Rate Structures introduced by Representative Bill McCamley, was tabled in House Agriculture, Water and Wildlife Committee. The bill sought to include a requirement that public water systems adopt and maintain a water budget rate structure and to direct the Environment Department to adopt rules for implementing water budget rate structures no later than June 30, 2016. It also had a provision that the Department would provide sampling and analysis only to water systems that have a water budget rate structure approved by the Department.

House Bill 100, Procurement of Some Professional Services introduced by Representative Larry Larrañaga, was also tabled in House Government, Elections and Indian Affairs Committee. The bill would have amended sections of the Procurement Code dealing with exemptions and professional service contracts with architects, engineers, landscape architects and surveyors to require that municipalities with home rule charters use competitive sealed qualifications-based proposals in seeking bids when procuring services of those professionals using the process set forth in §13-1-120 through 13-1-124 for all municipalities.

House Bill 238, Workers' Comp Benefits and Intoxication, received a Do Pass as amended recommendation from the House Judiciary Committee. The bill would continue to provide that a worker who willfully or intentionally causes his or her injury is not entitled to workers' compensation benefits. Section 52-1-12.1 would be amended to provide that indemnity benefits of an intoxicated worker will be reduced between 35 percent and 85 percent based on the degree the worker's intoxication or influence of drugs contributes to the accident. The percentage of reduction will be decided by a workers' compensation judge if the parties do not otherwise agree. The bill now goes to House Business and Employment Committee.

Other bills the League will monitor were introduced this week. House Bill 154, Local Government Review of Business Leases introduced by Representative Jeff Steinborn, requires that when the Commissioner of Public Lands conveys a business lease for real estate planning or development purposes, then regardless of the terms of the lease, the lease shall be issued only after notice and competitive bid and after review and decisions by the appropriate governing body of a municipality or a board of county commissioners. The provision would apply to leases entered into on or after July 1, 2015 by the Commissioner of Public Lands. The bill is in House Business and Employment Committee.

House Bill 265, Water Rights Reviews, Hearings and Court Venue introduced by Representative Antonio "Moe" Maestas, provides a right to *de novo* review by a district court of a decision of the State Engineer regarding implementation of any law administered by the State Engineer. The bill requires the State Engineer to act on matters before him within one year or the matter may be treated by the applicant as a refusal of the State Engineer to hear the matter, and the applicant may file an appeal in district court. The bill is in House Agriculture, Water and Wildlife Committee.

Senate Bill 364, Municipal and General Elections at the Same Time introduced by Senator Michael Sanchez, authorizes municipal elections to be held with general elections. Senate Bill 425, Municipal Code Streamlining introduced by Senator Stuart Ingle, says if no more candidates qualify for office than there are vacancies and no ballot questions are submitted, the candidates shall be declared elected without a vote upon certification by the municipal clerk. If there is no candidate for any office, the office shall be declared vacant and the vacancy shall be filled after the date scheduled for the election in accordance with law. Both bills are in Senate Rules Committee.

**NOTE:** The League's 26<sup>th</sup> Annual Municipal Day will be February 25 at La Fonda in Santa Fe. Check [www.nmml.org](http://www.nmml.org) for registration information.

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## 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.

The **Bulletin** will be sent by first class mail from Santa Fe each Friday afternoon so that it should arrive at its destination by the following Monday morning.

*If you would like to receive the Bulletin electronically, we will send you a link by email each Friday. You can contact Roger Makin via e-mail ([rmakin@nmml.org](mailto:rmakin@nmml.org)) or by fax (505-984-1392). Please be sure to include your name, title, municipality or agency, mailing address, and e-mail address. The Bulletin will also be posted each Friday on the League’s website at [www.nmml.org](http://www.nmml.org). We urge you to take advantage of this service in order to reduce mailing costs and time delays.*

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](http://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 [legis.state.nm.us](http://legis.state.nm.us) (click on Bill Finder on the left, then 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. We checked the site today and think you will find it an easy way to find your special projects. 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 19**).

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 very 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 21**). The Governor has 20 days following the close of the session (**Noon, April 10**) 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)

<p><b>HOUSE COMMITTEES</b></p> <p>HAFC     Appropriations and Finance</p> <p>HAGC     Agriculture and Water Resources</p> <p>HBIC     Business and Industry</p> <p>HCPAC    Consumer and Public Affairs</p> <p>HCW      Committee of the Whole</p> <p>HEC      Education</p> <p>HENRC    Energy and Natural Resources</p> <p>HEEC     Enrolling and Engrossing</p> <p>HHGAC   Health, Government &amp; Indian Affairs</p> <p>HJC      Judiciary</p> <p>HLC      Labor and Human Resources</p> <p>HPSC     Printing and Supplies</p> <p>HRC      Rules and Order of Business</p> <p>HTPWC   Transportation and Public Works</p> <p>HTRC     Taxation and Revenue</p>	<p style="text-align: center;"><b>SENATE COMMITTEES</b></p> <p>HVEC     Voters and Elections</p> <p>SCC      Committee's Committee</p> <p>SCONC    Conservation</p> <p>SCORC    Corporations and Transportation</p> <p>SCW      Committee of the Whole</p> <p>SEC      Education</p> <p>SFC      Finance</p> <p>SIAC     Indian and Cultural Affairs</p> <p>SJC      Judiciary</p> <p>SPAC     Public Affairs</p> <p>SRC      Rules</p>
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## Bill Introductions Through Wednesday, February 4, 2015

- HB 154 LOCAL GOV'T. REVIEW OF BUSINESS LEASES (Steinborn)** Amends §19-7-9; the bill requires that when the commissioner of public lands conveys a business lease for real estate planning or development purposes, then regardless of the terms of the lease, the lease shall be issued only after notice and competitive bid and after review and decisions by the appropriate governing body of a municipality or a board of county commissioners pursuant to provisions of Chapter 19, Article 7 of the state statutes. The process to be followed by the local government regarding notice, hearings and decisions regarding leases for real estate planning or development is in the bill in a new section to be included in Chapter 19, Article 7. The provision would apply to leases entered into on or after July 1, 2015 by the commissioner of public lands. HBEC/HGEIC
- HB 155 LOBBYIST EMPLOYER REGISTRATION (Steinborn)** Amends §§2-11-3, 2-11-6 and 2-11-7; the bill requires that the Secretary of State's online published lobbyist expenditure report include a sworn statement by the employer of a lobbyist indicating the amount spent on lobbying and a description of the expenditure. The bill requires all contributions given by a lobbyist in excess of \$100 to be included in the report. The current reporting requirement is for contributions in excess of \$500. Employers of lobbyists are required to report by January 15 of each year the estimate of lobbying expenses that will be incurred in that year through April 25 and the total lobbying expenses incurred in the prior year from April 25 through December 25. Lobbyist reports are to be kept on the Secretary of State's website in a searchable and downloadable format, accessible to the public. HRPAC/HJC
- HB 175 TRANSPORTATION INTERIM COMMITTEE (Gonzales)** New material; the bill creates a joint interim legislative transportation committee to begin with the committees in the 2015 interim. EMERGENCY. HTPWC/HRC
- HB 254 HAZARDOUS OFFICER COMPELLED STATEMENT RELEASED (Pacheco)** Amends §§§10-7F-1, 10-7F-2 and 10-7F-3; the bill introduces new terms to the Hazardous Duty Officers' Employer-Employee Relations Act regarding interviews required upon threat of employment termination by a hazardous duty officer's employer. These compelled interviews are called "interrogations" in current law and would be changed to "investigative interviews" by this bill and may require a "compelled statement", which is now a defined term. An investigative interview may only occur on the command of the employer of the officer. HGEIC/HJC
- HB 259 CERTAIN PHYSICIAN SERVICES GROSS RECEIPTS (Trujillo)** Amends §7-9-93; the bill provides a deduction from gross receipts for the receipts from deductibles paid by an insured or enrollee to a physician or other person licensed pursuant to the Medical Practice Act, an osteopathic physician or a podiatrist working under a contract with a managed care organization. The bill has a delayed repeal date of January 30, 2021. Effective 7/1/15. HHC
- HB 262 GAS TAX & ROAD PROJECTS (Lundstrom)** Amends §7-13-3 to raise the gas tax to \$.19 per gallon during the period of July 1, 2015 and July 1, 2016; thereafter the price is indexed to a chained price index that means the chained price index for non-residential construction in the consumer price index; raises the motor vehicle excise tax on and after July 1, 2018 from three to four percent; after July 1, 2018, proceeds from the motor vehicle excise tax shall be distributed 75% to the General Fund and 25% to the State Road Fund; authorizes severance tax bonds for several road projects; authorizes supplemental severance tax bonds for local government transportation projects; repeals Laws 2001, Chapter 37, Section 1. HTPWC/HAFC
- HB 265 WATER RIGHTS REVIEWS, HEARINGS & COURT VENUE (Maestas)** Amends §§§§72-2-8, 72-2-9.1, 72-2-16, 72-2-18, 72-7-1; the bill provides a right to *de novo* review by a district court of a decision of the State Engineer regarding implementation of any law administered by the State Engineer. Compliance orders of repayment of water are limited to the amount of water overdiverted or illegally diverted. The bill

requires the State Engineer to act on matters before him within one year or the matter may be treated by the applicant as a refusal of the State Engineer to hear the matter, and the applicant may file an appeal in district court. No writ of certiorari is required to begin an appeal. HAWC/HJC

- HB 279 REDUCE CORPORATE INCOME TAX RATES (Strickler)** Amends §7-2A-5; the bill reduces the income tax bracket for corporations with net incomes of over \$500,000 to 4.9% in taxable years beginning on or after January 1, 2018, accelerating the corporate income tax rate reductions put into place in 2013. Current law would step down corporate income tax levels to 5.9% by 2018 for those corporations. HWMC/HBEC/HAFC
- HB 284 PUBLIC SAFETY OFFICER RETURN TO WORK STUDY (Harper)** An appropriation of General Fund money in the amount of \$12,000 to conduct an actuarial study over fiscal years 2015 and 2016 of public safety officers who return to work following retirement. HSCAC/HAFC
- HB 286 SINGLE SALES FACTOR FOR CORPORATE INCOME (James)** Amends §7-4-10; the bill provides multistate corporations with headquarters located in New Mexico with an alternative method of determining the apportionment of corporate income tax due to New Mexico, by stepping down the weight of property and payroll factors used to determine the corporate tax due to New Mexico over a three year period. In taxable years beginning on or after January 1, 2018 the factor would be only the corporation's sales in New Mexico divided by the corporation's total sales within and outside of the state. Once the election is made the taxpayer must use that method of apportioning income for no fewer than three consecutive taxable years. The single sales factor for corporate headquarters is applicable to taxable years beginning on or after January 1, 2015. HBEC/HWMC
- HB 288 VALUE OF LAND LEASED OR SOLD BY CITIES (Cook)** Amends §§3-54-1 and 3-54-2; the bill increases the value from \$25,000 to \$250,000 of a municipal utility or real property that may be sold or leased without seeking the electorate's approval by referendum. Personal property not exceeding the value of \$25,000, increased from \$2,500 in current law, may be sold or leased by a municipality by public or private sale pursuant to the provisions of §3-54-2. HGEIC/HJC
- HB 290 INVESTMENT OF PUBLIC MONEY IN BANKS (Trujillo, Jim R.)** Amends §6-10-24; the bill extends authority to county and municipal treasurers (and irrigation districts and conservancy districts) to deposit public funds of the county, municipality or district in any federally insured bank, savings and loan association or credit union located in New Mexico. Effective 7/1/15. HGEIC/HWMC
- HB 293 INCREASE WORKING FAMILIES TAX CREDIT (Maez)** Amends §7-2-18.5; the bill increases the working families tax credit over two years to 15% of the earned income tax credit that the taxpayer is eligible to claim against the taxpayer's federal income tax. For taxable years beginning on or after January 1, 2015, the credit increase from the current 10% to 12.5%, with the full 15% applicable to taxable years beginning on or after January 1, 2016. HWMC/HAFC
- HB 299 PUBLIC PRIVATE PARTNERSHIP ACT (Larrañaga)** New material; the bill creates the Public-Private Partnership Act, a process for public-private partnerships to be formed and complete and operate high-cost or long-term public projects. Oversight of the agreement and project status at the state level is provided by the General Services Department and the Department of Finance and Administration. Public projects are defined at length and constitute a broad range of projects a public entity might consider beneficial to the community. Effective 7/1/15. HTPWC/HJC
- HB 301 OUTDOOR WATER CONSERVATION GROSS RECEIPTS (Maestas Barnes)** New material; the bill enacts a new section of the Gross Receipts and Compensating Tax Act that creates a gross receipts tax holiday for the purchase of water-saving tangible personal property between midnight on March 1 and midnight on March 8 every year. Reporting requirements for the taxpayer and the department are set out in the bill. HAWC/HWMC

- HB 303 DWI CHEMICAL TEST SEARCH WARRANTS (Pacheco)** Amends §66-8-111; the bill authorizes a warrant to be issued to perform a chemical blood or breath alcohol concentration test on a driver for whom there is probable cause to believe that the driver has been driving a motor vehicle while under the influence of alcohol or a controlled substance. The driver who refuses a chemical test shall pay the cost of the chemical testing required by the search warrant. Effective 7/1/15. HSCAC/HJC
- HB 312 LOCAL ECONOMIC DEVELOPMENT ACT IMPLEMENTATION (Martinez, Ken W. and Sen. Mary Kay Papen)** An appropriation; the bill appropriates \$50 million from the General Fund to the Economic Development Department for expenditure beginning in fiscal year 2016 and extending into subsequent fiscal years to fund projects pursuant to the Local Economic Development Act. HBEC/HAFC
- HB 314 CREATE LOCAL ECONOMIC DEVELOPMENT FUND (Martinez, Ken W. and Sen. Mary Kay Papen)** New material; the bill creates the non-reverting local economic development fund consisting of appropriations to the fund and other money accruing to the fund, including fund earnings. The Economic Development Department is administrator of the fund. Effective 7/1/15. HBEC/HAFC
- HJR 5 CA: MOTOR VEHICLE MONEY FOR ROADS (Gonzales)** Proposing a new section to Article 8 of the Constitution of New Mexico; the proposed amendment would limit the use of revenue from taxes, excises, surcharges and fees on motor vehicle fuels and on the purchase, registration and use of motor vehicles on public highways. Money in the fund is to be used for payment of debt from bonds issued for transportation projects; to plan, construct, maintain and improve transportation projects. Same as SJR 3 HPREF/HGEIC/HTPWC/HWMC
- HJR 8 CA: NO PRIOR APPROPRIATION FOR WATER ADMIN (McCamley)** Proposing to amend Article 16, Section 2 of the Constitution of New Mexico; the proposed amendment does away with the doctrine of prior appropriation and requires that the amount of water available for beneficial use be estimated annually and allocated on a *pro rata* per acre basis to each owner of a water right used for agricultural purposes. HGEIC/HWMC/HJC
- HJR 11 CA: NONPARTISAN JUDICIAL ELECTIONS (Cook)** Proposing to amend Article 6 of the Constitution of New Mexico; the amendment specifies that partisan elections for justices of the supreme court and judges of the court of appeals, district court or metropolitan court be done away with and replaced with nonpartisan elections. HGEIC/HSCAC/HJC
- SB 347 NATURAL GAS MOTOR VEHICLE TAX CREDITS (Moores)** New material; from January 1, 2016 through December 31, 2020, receipts from the sale and installation of qualified natural gas motor vehicle equipment may be deducted from gross receipts tax and compensating taxes; during the same period, a person who purchases a vehicle that is certified by the U.S. Environmental Protection Agency to operate on natural gas is exempt from the Motor Vehicle Excise Tax; provides an income tax credit for a natural gas vehicle. Effective 7/1/15. SCORC/SFC
- SB 348 RIGHT TO FARM & OPERATIONS AS A NUISANCE (Griego)** Amends §47-9-3; removes the one year provision for an agriculture operation being in existence; removes the stipulation of an agricultural operation as a nuisance located within the corporate limits of a municipality as of April 8, 1981. SCONC/SJC
- SB 354 CHANGE PRECINCT BOARD TO ELECTION BOARD (Ivey-Soto & Rep. Smith)** The 175-page bill changes the term “precinct board” to “election board” in the state and municipal election codes. SRC/SJC
- SB 360 ELECTRONIC NICOTINE DEVICES TO MINORS (Lopez)** Makes sales of electronic nicotine devices to minors illegal; sets penalties for a minor purchasing a device and for a person selling a device to minors. SPAC/SJC

- SB 364 MUNICIPAL & GENERAL ELECTION AT SAME TIME (Sanchez, M.)** Amends §§3-8-9 & 25 to have municipal elections held at general elections. Effective 7/1/15. SRC/SJC
- SB 365 CRIMINAL RECORD EXPUNGEMENT ACT (Sanchez, M.)** New material creates the Criminal Records Expungement Act; allows for expungement of certain criminal records not to include felonies or charges of child abuse. Effective 1/1/16.SPAC/SJC
- SB 377 PERMANENT MOUNTAIN DAYLIGHT SAVINGS TIME (Pirtle)** New material makes daylight savings time in New Mexico permanent. Effective 7/1/15. SPAC/SJC
- SB 382 ORDINANCE CIVIL ENFORCEMENT & PENALTIES (Candelaria)** New material authorizes a municipality to enforce provisions of an ordinance through a civil administrative process; the ordinance shall specify which provisions may be enforced through a civil administrative process; contested violations shall be adjudicated by an independent administrative hearing officer using a hearing procedure established by ordinance which shall meet all minimal due process requirements of state and federal constitutions; the hearing officer shall issue a decision on the merits of the appeal not more than 30 days after completion of a hearing. The ordinance shall specify civil monetary penalties not to exceed \$50 per day per violation nor a maximum of \$500; decisions may be appealed to the district court; authorizes zoning authority appeals to be heard by an independent administrative hearing officer; authorizes counties the same civil enforcement provisions. Effective 7/1/15. SPAC/SJC
- SB 383 DECREASE MARIJUANA POSSESSION PENALTIES (Cervantes)** Amends §30-31-23 to decrease the penalties for possession of less than eight ounces of marijuana; possession is either a petty misdemeanor or misdemeanor; possession of drug paraphernalia is subject to a civil offense of \$50 and subsequent offense are subject to a fine of \$100. Effective 7/1/15. SPAC/SJC
- SB 394 INCREASE & INDEX GAS TAX FOR ROAD PROJECTS (Smith)** Amends §7-13-3 to raise the gas to \$.27 per gallon between July 1, 2015 and July 1, 2016 and after that date the price be indexed by a chain price index for the calendar year 2014, provided the rate of the tax shall not be less than the rate imposed on July 1 of the previous year; raises the special fuel tax during that same period to \$.31 per gallon with the same indexing provision; holds municipal and county road funds harmless by altering distributions. Effective 7/1/15. SCORC/SFC
- SB 396 DRY COMMUNITY EMERGENCY FUND (Campos)** New material creates the Dry Community Emergency Fund that is to be administered by the Department of Homeland Security and Emergency Management; money in the fund may be expended to assist any area of the state suffering a loss of water due to an emergency that threatens the public health, safety or welfare where there is a real or potential negative impact on public health or water quality; appropriates \$200,000 from the General Fund. SCONC/SFC
- SB 399 WATER TRUST FUND SOLVENCY – GF (Campos)** Appropriates \$18 million from the General Fund to the Water Trust Fund. SCONC/SFC
- SB 402 DELETE SOME OCCUPANCY TAX EXEMPTIONS (Griego)** Amends §3-38-16 to delete the exemption from paying lodgers tax when a vendor does not offer at least three rooms or at least three other premises for lodging within the taxing jurisdiction. SCORC/SFC
- SB 405 ELEVATOR SAFETY ACT (Griego)** New material creates the Elevator Safety Act; lists exemptions; requires the Construction Industries Commission to adopt rules for equipment covered by the Act; has licensing requirements for inspectors; requires compliance with state fire prevention and building codes; provides for penalties. Effective 7/1/15. SCORC/SJC/SFC
- SB 412 ESCROW COMPANY BONDS & AUDITS (Leavell)** Amends §58-22-19; division examination reports, financial information contained in license applications and renewal applications and information on investigations relating to violations of the Escrow Company Act that do not result or have not yet resulted

in administrative, civil or criminal action: 1) are not public records subject to the Inspection of Public Records Act; 2) may be disclosed only with the consent of the director of the financial institutions division of the Regulations and Licensing Department; and 3) are not subject to subpoena. Effective 7/1/15. SCORC/SJC

- SB 421** **LIMIT LOCAL GOVERNMENT & ZONING COMMISSIONS (Ingle)** Amends §3-17-1 stating the authority of municipalities to adopt ordinances or resolutions that regulate agricultural operations, mining activities and oil and gas extraction are expressly preempted; the provisions of state law, and of rules promulgated pursuant to state law, exclusively occupy the field of regulating agricultural operations, mining activities and oil and gas activities; amends §3-21-1 to prohibit any zoning ordinance from regulating the same industries; prohibits county zoning commissions from enacting the same ordinances or resolutions. SCORC/SJC
- SB 425** **MUNICIPAL CODE STREAMLINING (Ingle)** Amends §§3-8-9, 3-10-1, 3-14-7; for municipal elections, if no more candidates qualify for office than there are vacancies and no ballot questions are submitted, the candidates shall be declared elected without a vote upon certification by the municipal clerk. If there is no candidate for any office, the office shall be declared vacant and the vacancy shall be filled after the date scheduled for the election in accordance with law. SRC/SJC
- SB 427** **GUIDELINES LIMITING SNAP PURCHASES (Pirtle)** New material requires the Secretary of Human Services to seek a waiver of requirements under the federal Supplemental Nutrition Assistance Program to establish a restriction on purchases under the program to: 1) those items to which recipients of benefits under the special supplemental nutrition program for women, infants and children are restricted; and 2) the purchase of meat. SPAC/SJC
- SB 428** **COMMERCIAL DRIVER'S LICENSES & TEXTING (Griego)** New material prohibits the use of a handheld mobile device while driving a commercial motor vehicle; defines using a handheld mobile communications device as a serious traffic violation; allows the Department to disqualify a person for life from driving a commercial motor vehicle if the vehicle was used in the commission of a felony involving controlled substances; adds using a handheld device to the state penalty assessment section. Effective 7/1/15. SCORC/SJC
- SB 430** **CAPITAL OUTLAY PLANNING & MONITORING ACT (Campos)** New material creates the Capital Outlay Planning and Monitoring Act that creates the Capital Outlay Planning Monitoring Division in the Department of Finance and Administration; Division is to act as coordinator and oversee capital outlay projects in the state; all state agencies, local governments and instrumentalities shall assist and cooperate with the Division; the Division is to prepare a state capital improvement plan; the Division is to screen capital outlay requests and report to the legislature. Repeals §6-4-1. Effective 7/1/15. SPAC/SFC
- SB 432** **INCREASE MINIMUM WAGE & ANNUAL INCREASES (Soules)** Amends §50-4-22 to raise the minimum wage to \$8.80 per hour beginning January 1, 2016; on January 1, 2017, the rate increases to \$10.10 per hour; on January 1, 2018, the rate is the previous year's rate increased by the federal cost of living index for the previous year; rate shall not be adjusted downward; beginning January 1, 2016, a person receiving \$30 a month in tips shall be paid a wage equal to 50% of the minimum wage. SPAC/SCORC
- SB 433** **INCLUDE E-CIGARETTES IN TOBACCO PRODUCTS ACT (Ryan)** Amends §30-49-3 to prohibit the sale of e-cigarettes to minors; defines e-cigarettes as a nicotine liquid container; prohibits the sale of e-cigarettes in vending machines. SPAC/SJC
- SB 441** **FURTHER IMMUNITY FOR OVERDOSE ASSISTANCE (Martinez)** New material says a person who, in good faith, seeks medical assistance for someone experiencing an alcohol- or drug-related overdose shall not be arrested, charged, prosecuted or otherwise penalized, nor shall the property of the person be subject to civil forfeiture, for violating any of the following: 1) violating the provision of sales and service to a minor; 2) violating a restraining order; or 3) violating probation or parole. SPAC/SJC

- SB 444 MID REGION COUNCIL OF GOVERNMENTS TEACHER TRAINING – GF (Ryan)** Appropriates \$250,000 from the General Fund to the Local Government Division for expenditure for the Mid Region Council of Government to contract with a community-based organization to develop a plan to attract teachers. SEC/SFC
- \*SB 447 EMERGENCY BROADCASTERS & EQUIPMENT ACCESS (Cervantes)** New material states the Homeland Security and Emergency Management Department may coordinate with a broadcasting association in this state or a cable television communications association in this state to develop comprehensive, coordinated plans for preparing for and responding appropriately to an emergency or disaster; the broadcast, cable associations or other provider may train and certify broadcast engineers and technical personnel that are critical to station operations as first informer broadcasters; to the extent practicable and consistent with not endangering public safety, state and local government agencies shall allow a first informer broadcaster to access an area affected by an emergency to repair, restore or resupply any facility or equipment critical to the ability of a broadcaster to acquire, produce and transmit essential emergency information programming, including repairing and maintaining transmitters and generators. EMERGENCY CLAUSE. SCORC/SPAC
- SB 448 MILITARY ACQUISITION GROSS RECEIPTS ENDS DATES (Burt)** Amends §7-9-94 to remove the June 30, 2016 end date for the gross receipts tax deduction for receipts from the sale of transformational acquisition programs performing research and development, test and evaluation at New Mexico major range and test facility bases pursuant to contracts with the U.S. Department of Defense. SCORC/SFC
- SB 456 DUTY TO REPORT SUSPECTED CHILD ABUSE (Torraco)** Amends §32A-4-3; every person who knows or has reasonable suspicion a child is an abused child or a neglected child shall report the matter immediately to a local law enforcement agency or the Department of Public Safety or a tribal law enforcement or social service agency; a member of the clergy who has received information via communication that seeks spiritual advice is not required to report information. SPAC/SJC
- \*SB 458 ADD FIREWORKS THAT MAY BE BANNED (Griego)** Amends §60-2C-2; defines aerial device; determination of drought conditions are based on information from the United State Drought Monitor and the Southwest Coordination Center; authorizes a municipality and county to ban aerial devices; upon request of a governing body of a municipality or county, the Forestry Division of the Regulation and Licensing Department may adopt and enforce emergency rules that completely ban or partially ban or restrict the sale and use of all fireworks within the municipality or county if extreme fire danger exists; the Division is to use the Southwest Coordination Center as information source; rules shall be in effect no longer than 30 days; the Division may request any adjacent Indian nation, tribe or pueblo consider imposing the emergency rules. EMERGENCY CLAUSE. SCORC/SJC
- SB 461 NEW MEXICO UNIT FUND FOR CERTAIN PROJECTS (Morales)** New material requires the Interstate Stream Commission to pay from the Unit Fund the costs of implementing water utilization alternatives in the Southwest Water Planning Region that are non-diversion alternatives; appropriates \$77 million in federal funding to implement non-diversion alternatives, including forest and watershed restoration, municipal conservation, agricultural conservation, infrastructure improvements, effluent reuse and sustainable ground water use. SCONC/SFC
- SB 463 DISTRIBUTION FOR ALCOHOL & DETOX TREATMENT (Muñoz)** Amends §11-6A-3; distributes \$300,000 to McKinley County from the Local DWI Grant Fund; changes some of the other distributions. Effective 7/1/15. SIAC/SFC
- SB 464 LODGERS' TAX AUDITS (Cisneros)** Amends §§3-38-17.1, 17.3, 19, 22; for good cause, a municipality or county may select any vendor for audit to verify the amount of gross taxable rent subject to the Occupancy Tax to ensure that the full amount of the tax on the rent is collected; action to enforce the provisions of a municipal or county occupancy tax may be brought by a municipality or county, through its duly authorized representative; the governing body of a municipality or county, by ordinance, shall provide for penalties by creating a petty misdemeanor imposing a fine of not more than \$500 or imprisonment of

no more than 90 days or both; the mayor of a municipality imposing the tax shall appoint an advisory board of at least five members, including an equal number of members who are owner or operators of lodging subject to the tax; the board is to advise the respective governing bodies on expenditure of the tax for advertising, publicizing and promoting tourist-related facilities and attractions. SCORC/SJC

- SB 466**    **LAW ENFORCEMENT RETURN-TO-WORK (Ingle)** Amends §10-11-8; allows a commissioned police officer, state police or undersheriff member who has not been employed as an employee of an affiliated public employer or retained as an independent contractor by the affiliated employer from which the member retired for at least 60 consecutive days from the date of retirement shall be entitled to the continuation of retirement benefits; the member shall not accrue service credit or acquire or purchase service credit; the member and subsequent affiliated employer shall make contributions to the PERA for the appropriate coverage plan. SJC/SFC
- SB 467**    **CHANGE INTERSTATE STREAM COMMISSION MEMBERS (Wirth)** New material changes the membership of the Interstate Stream Commission to the State Engineer, four members appointed by the Governor and four members appointed by the New Mexico Legislative Council; the Commission is authorized to investigate and develop water resources and protect water resources and associated agricultural and biological uses of the state's stream systems. SRC/SCONC
- SJR 9**      **CA: INCREASE AND INDEX MINIMUM WAGE (Soules)** Proposes to amend Article 20 of the New Mexico Constitution to set the state minimum wage in effect on January 1, 2016 shall be increased in an amount equal to the cost of living from January 1, 2009 through December 31, 2015 and be adjusted every January 1 by the increase in the federal consumer price index; an employer may pay an employee less, but not less than 50% of the minimum if the employer can demonstrate the employee receives tips that, when combined with wages paid, are equal to or greater than the minimum wage for all hours worked; nothing shall prohibit a local government from imposing a minimum wage rate that exceeds the state rate. SRC/SJC
- SJM 15**    **ADDRESS INSTITUTIONAL RACISM (Lopez)** Requests every state-funded agency and entity to adopt a policy to address institutional racism no later than January 1, 2016. SRC/SPAC
- SM 45**     **ADDRESS NORTHEASTERN NM WATER ISSUES (Campos)** Requests the office of the State Engineer, the Interstate Stream Commission and water stakeholders in northeastern New Mexico to study and develop ways of addressing water shortage issues in northeastern New Mexico, including identifying potential water sources outside of the region and developing a pipeline to some other large-scale regional water project to bring water to the area. SRC/SCONC