

LEGISLATIVE BULLETIN

VOL. 2015-4

FEBRUARY 13, 2015

As the half-way mark of the First Session of the 52nd Legislature nears next week, bill introductions continue in the House and Senate. As of this Wednesday, more than 500 bills have been introduced in the Senate and more than 400 in the House. In addition, a considerable number of memorials and resolutions have been dropped. The last day to introduce bills is Thursday, February 19.

Gas Tax Bill Introduced to Help Local Governments

Senate Bill 394, Increase and Index Gas Tax for Road Projects introduced by Senator John Arthur Smith, has a favorable additional distribution to local government. An additional 5 cents per gallon is distributed to municipal and county road funds, with municipal fund receiving 4 ½ cents and counties receiving ½ cent. The bill raises the state gas tax to \$.27 per gallon between July 1, 2015 and July 1, 2016 and after that date the price is 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. The bill also raises the special fuel tax during that same period to \$.31 per gallon with the same indexing provision. The League appreciates Senator Smith's distribution for local governments. The League supports SB 394 and recommends members to let Senator Smith know. The bill is in Senate Corporations and Transportation Committee.

Senate Corporations and Transportation Committee Substitute for SB 101, Gross Receipts and Hold Harmless Tax Changes originally introduced by Senator Steven Neville, received a Without Recommendation nod from the Committee. The Substitute lowers the state gross receipts tax rate from 5.125 percent to 4.875 percent; raises the municipal and county hold harmless gross receipts tax rate from 3/8th percent to ½ percent, or the hold harmless rate, whichever is less; the hold harmless gross receipts tax can be imposed in increments of 1/16th percent, without referendum and repeals the hold harmless distributions for all municipalities and counties. The Substitute now goes to Senate Finance Committee.

Senate Bill 233, Temporary Disability Benefit Changes, introduced by Senator Jon "Pat" Woods and Representative Christine Trujillo, received a Do Pass recommendation from the Senate Corporations and Transportation Committee. The bill clarifies that the maximum period temporary disability payments made to an injured workers will be 700 weeks and changes the disability period for primary and secondary mental impairments from 100 weeks to a maximum of 700 weeks. Workers with permanent total disability are paid total disability payments for life. The bill now is in Senate Judiciary Committee.

House Bill 126, E911 Surcharges introduced by Representative Bobby Gonzales, was tabled in the House Regulatory and Public Affairs Committee. The bill would have amended most sections of the Enhanced 911 Act to allow for updating of terminology and to include devices and services that now provide connection to 911 emergency services but previously were not contemplated in the original act. A section of new material provided the mechanism by which E-911 surcharges would be applied to prepaid wireless communication services. The bill proposed to repeal §63-9D-4.1, which required that 911 public safety answering points be able to receive 911 emergency communications by email.

House Government, Elections and Indian Affairs Substitute for House Bill 127, Traditional Historic Community Qualifications introduced by Representative Bobby Gonzales, received a Do Pass recommendation from that Committee. The Substitute amends §3-2-3 that defines urban territory and makes exceptions for territory declared as a traditional historic community in an unincorporated area of a Class A county with a population between 140,000 and 200,000, based on the most recent federal decennial census, or a Class B county with a population between 30,000 and 40,000 based on the most recent federal census. The Substitute would affect traditional historic communities in Taos and Santa Fe counties. The substitute is now in House Regulatory and Public Affairs Committee.

NOTE: A reminder that the 26th Annual Municipal Day will be Wednesday, February 25 in Santa Fe at La Fonda Hotel. Please check www.nmml.org for registration information.

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) 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. 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) 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 (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)

HOUSE COMMITTEES	SENATE COMMITTEES
HAFC	Appropriations and Finance
HAWC	Agriculture, Water & Wildlife
HBEC	Business & Employment
HCW	Committee of the Whole
HEC	Education
HEENC	Energy, Environment & Natural Resources
HEEC	Enrolling and Engrossing
HGEIC	Government, Elections & Indian Affairs
HHC	Health
HJC	Judiciary
HRPAC	Regulatory & Public Affairs
HPSC	Printing and Supplies
HRC	Rules and Order of Business
HTPWC	Transportation and Public Works
HSCAC	Safety & Civil Affairs
	HWMC Ways & Means
	SCC Committee's Committee
	SCONC Conservation
	SCORC Corporations and Transportation
	SCW Committee of the Whole
	SEC Education
	SFC Finance
	SIAC Indian and Cultural Affairs
	SJC Judiciary
	SPAC Public Affairs
	SRC Rules

Bill Introductions Through Wednesday, February 11, 2015

- HB 320 HOMEOWNER ASSOCIATIONS LIMIT ON FLAGS (Baldonado)** Amends §§47-16-1 and 47-16-15, enacting new material; the bill amends sections of the Homeowner Association Act to clean up prior language and enacts a new section of that Act to prohibit a homeowner's association from adopting restrictions regarding flying or displaying a flag that exceed federal applicable law or ordinances or regulations of local governing bodies. Effective 7/1/15. HRPAC/HGEIC
- HB 321 ECONOMIC DEVELOPMENT PROJECT POPULATION LIMIT (Garcia Richards)** Amends §§5-10-1 and 5-10-3; the bill amends the Local Economic Development Act (LEDA) to allow retail businesses in communities with populations less than 25,000 to be a qualifying entity for purposes of LEDA. Current law requires that a retail business be located in a community with a population of less than 10,000. HGEIC/HBEC/HWMC
- HB 325 REMOVE SOME TV SHOWS FROM FILM TAX CREDIT CAP (Egolf)** Amends §7-2F-1; the bill separates series television productions from other film and audiovisual products and excludes this type of production from inclusion in calculation of the film tax credit \$50 million annual limit. Effective July 1, 2015. HBEC/HWMC
- HB 326 LODGERS' TAX AUDITS (Gonzales)** Same as SB 464. HGEIC/HBEC/HWMC
- HB 335 LIQUOR CONTROL TASTING PERMIT VIOLATIONS (Trujillo, Jim R.)** §60-6A-33; the bill creates penalties for violations of beer, wine, cider or spirituous liquor tasting event permit provisions. The penalties include both fines and the restriction for a period of time on issuance of a tasting event permit, increasing with each subsequent violation. Effective 7-1-15. HRPAC/HJC
- HB 347 LOCAL BUSINESS OPPORTUNITY FUND (Maez)** Amends §§5-10-1 and 5-10-3 and enacts new material and an appropriation; the bill enacts a new section of the Local Economic Development Act (LEDA) creating the non-reverting local business opportunity fund to be used to help small resident businesses for purposes of LEDA and seeks a \$5 million appropriation for the fund. A definition of "small resident business" is added to the definition section of LEDA. Effective 7/1/15. HBEC/HWMC/HAFC
- HB 350 PUBLIC EMPLOYEES TORT CLAIMS ACT (Gentry)** Amends §41-4-3; the bill amends the definition section of the Tort Claims Act to include as a "public employee" medical, psychological or dental arts practitioners who provide services on contract to a local public body that pertain to a person incarcerated in a jail or detention center of that local government. HSCAC/HJC
- HB 355 INCREASE DWI PENALTIES (Montoya)** Amends §§66-8-101 and 66-8-102; the bill increases the penalty for first DWI offense to 30 days in a treatment facility or detention facility if a treatment facility is not available and increases penalties for all subsequent offenses. The bill removes the concept of aggravated DWI from Section 66-8-102, so there are no enhanced penalties for having an alcohol concentration of two or more times the basic DWI level of .08, causing death or great bodily harm while DWI or refusing chemical testing. Effective 7/1/15. HSCAC/HJC
- HB 359 INCREASE PENALTIES FOR 4TH AND SUBSEQUENT DWIS (Maestas Barnes)** Amends §66-8-102; the bill increases penalties for 4th, 5th, 6th and 7th DWI offenses and creates a new category of penalty for an 8th or subsequent offense, which is a second degree felony and the sentence is imprisonment for 12 years, with 10 years that cannot be suspended, deferred or taken under advisement. Effective 7/1/15. HSCAC/HJC
- HB 360 INCREASE MINIMUM WAGE AND ANNUAL INCREASES (Roybal Caballero)** Amends §50-4-22; the bill increases the minimum wage beginning January 1, 2016 with an increase to \$10 per hour, followed by \$2.50 increases in 2017 and 2018. Beginning in 2019 and every subsequent year, there are cost of living increases above the prior year's rate, with a 4% cap on the annual increases. The tip minimum wage is eliminated from statute. HRPAC/HBEC

- HB 363 NO TORT IMMUNITY FOR OFFICERS & BODY CAMERAS (Chasey)** Amends §41-4-12; the bill waives immunity from liability for personal injury, death or property damage caused by a law enforcement officer who fails to activate the officer's body camera and follow the officer's law enforcement agency procedures regarding body cameras. Effective 7/1/15. HSCAC/HRPAC
- HB 370 APPROACH OF TOWING VEHICLES ON ROADSIDE (Gonzales)** Amends §66-7-332; the bill amends a section of the Motor Vehicle Code to define roadside towing and repair vehicles as "authorized emergency vehicles" to require that during an emergency a driver move to a lane not adjacent to the stopped emergency vehicle and other provisions applying to authorized emergency vehicles. HSCAC/HJC
- HB 378 REQUIRE ORAL PUBLIC COMMENT AT MEETINGS (Smith, James and Sen. Daniel Ivey-Soto)** Amends §10-15-1; the bill has the intent of encouraging diverse views to be presented at meetings of public bodies by requiring that oral public comment be planned before final action on any matter described in the bill. The bill requires that both individual and public comment be allowed. HGEIC/HJC
- HB 380 HOMEOWNER ASSOCIATION DISCLOSURE & FEES (Youngblood)** Amends §§47-16-1, 47-16-2 and 47-16-12; the bill amends provisions of the Homeowner Association Act pertaining to disclosure certificates required by that act. A homeowners' association may charge no more than \$150 for preparation of a disclosure certificate. Effective 7/1/15. HGEIC/HJC
- HB 381 LAW ENFORCEMENT ACADEMY RECORDS (Stapleton)** Amends §29-7-4 and enacts new material; the bill enacts a new section of the Law Enforcement Training Act that requires all law enforcement agencies in the state to submit to the Law Enforcement Academy copies of every disciplinary action or caution against every police officer to be retained so that the records are available to each law enforcement agency that seeks to hire a law enforcement officer who has worked in the state for another law enforcement agency. The board of the Law Enforcement Academy is tasked with compiling the data base for the retrieval system for files on out-of-state officers applying for jobs in New Mexico. Effective 7/1/15. HSCAC/HGEIC/HJC
- HB 385 ALTERNATIVE DISPUTE RESOLUTION COSTS (Maestas Barnes)** Amends §34-6-45; the bill authorizes district courts to charge fees to participants in alternative dispute resolution programs. The fees must be on a sliding scale based on the ability of the participant to pay. The fees must be used to defray the costs of the alternative dispute resolution programs of the court and when collected shall be deposited in a fund created by the district court for purposes of funding those programs. The bill repeals §34-6-44. HGEIC/HJC
- HB 386 LOCAL GOVERNMENT PLANNING FUND (Lundstrom)** Making an appropriation of \$3 million from the public project revolving fund to the local government planning fund to be administered by the New Mexico Finance Authority beginning in fiscal year 2016 to make grants to qualified entities to evaluate and estimate the costs of implementing alternatives for infrastructure, water or wastewater public projects or long-term master plans, economic development plans or energy audits and to pay costs of the local government planning program. HTPWC/HWMC/HAFC
- HB 389 PROCUREMENT CODE GENDER EQUITY (Armstrong)** Same as SB 490. HGEIC/HBEC/HAFC
- HB 392 AUDIO & VIDEO STREAM OF PUBLIC BODY MEETINGS (Fajardo)** Amends §§10-15-1 and 10-15-2; the bill amends sections of the Open Meetings Act to require that live video and audio transmissions of all public meetings of a board, commission, administrative adjudicatory body or other policy making body of a municipality with a population of 15,000 or greater in a class A county be provided free of charge to the public over the internet beginning no later than January 1, 2016. Procedures for exemption or delay are provided. A recorded copy of each meeting shall also be made and archived and disposed of by the public body according to provisions of the Public Records Act. The legislature is required to provide live audio and video or audio streaming on its website and the legislature is required to retain copies of the live audio and video transmissions or audio transmission of each meeting not exempted by the legislative council in writing. Effective 7/1/15. HGEIC/HJC/HAFC

- HB 396 REMITTANCE OF GOVERNMENTAL GROSS RECEIPTS (James)** Amends §§6-21-6.1 and 7-1-6.38; the bill requires that within 60 days of the conclusion of the New Mexico Finance Authority's fiscal year, after required distributions, payments or debt service are paid from governmental gross receipts tax collected and deposited in the public project revolving fund, 65% of the money that remains must be refunded to the communities from which it was remitted in an amount equal to the community's proportionate share of the money. HGEIC/HWMC
- HB 403 PUBLIC EMPLOYEE LEAVE DONATION POLICIES (James)** Enacts new material; the bill enacts a procedure for state agencies, political subdivisions and school districts to follow when setting policies for employee donation of annual or sick leave to another employee for a medical emergency. HGEIC/HHC
- HB 416 EMPLOYEE PRIVACY ACT EXEMPTIONS (Gentry)** Amends §§50-11-1 and 50-11-2 and enacts new material; the bill enacts a new section of the Employee Privacy Act that exempts from the provisions of that Act an employer of a health care practitioner or a health care worker and also exempts a nonprofit corporation that is an employer if the stated mission of the nonprofit includes tobacco use prevention, smoking cessation, support for smoke-free environments, tobacco use health consequences education or prevention, treatment or cure of disease or illness associated with tobacco product use. The bill amends definitions in the Employee Privacy Act and clarifies the title. HBEC/HHC
- HR 4 PROHIBIT FIREARMS IN THE HOUSE (Egolf)** Proposing a new House rule; the resolution resolves that no person be allowed to carry a firearm into the House chamber, galleries, lounge, hallways or committee rooms, except for law enforcement personnel or a person with a valid concealed handgun license. HRC
- HR 6 DISCLOSURE OF LOBBYIST INFO (Egolf)** Proposing to amend House Rules 5-3 and 9-10 ; the resolution amends House Rule 5-3 pertaining to the duties of the Chief Clerk of the House, requiring that the Chief Clerk maintain a registry of lobbyists, specifying by whom the lobbyist is employed and the legislation on which the lobbyist is lobbying and House Rule 9-10 pertaining to duties of a committee chair requiring that a committee chair ask registered lobbyists prior to allowing the lobbyist to speak in committee, if the lobbyist has registered with the Chief Clerk. HRC
- HM 48 NM LIBRARY NEEDS ASSESSMENT (Armstrong)** Requesting the State Library to support a needs assessment for all libraries in the state and support and assist library organizations in the state to convene a statewide library conference to develop goals for improved statewide library services. HEC
- 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; makes an additional distribution of \$.05 per gallon for municipal and county road funds; municipalities are to receive \$0.045 cents and counties \$0.005. Effective 7/1/15. SCORC/SFC
- SB 469 CAPITAL IMPROVEMENT CONTRACT TIME PERIOD (Rue)** Amends §13-1-150; adds to the exceptions from the four-year time limit for professional services the services relating to the design and engineering of a capital improvement project for a reasonable period, not to exceed the time for the project completion and a subsequent warranty period and upon approval of the Secretary of Finance and Administration. SCORC/SJC
- SB 472 GOVERNMENT ENTITIES & EMPLOYEE BARGAINING (Beffort)** Amends §10-7E-4, 16 & 24 of the Public Employer Bargaining Act; "public employer" does not include a government of an Indian nation, tribe or pueblo, a municipality with a population of fewer than 5,000 residents according to the most recent decennial census, a county with a population of fewer than 5,000 residents as indicated by census numbers or an agency constituted pursuant to a joint powers agreement in which a majority of entities to

the agreement are not public employers; if there is only one or no dues-paying member of a labor organization in an appropriate bargaining unit, then any public employee in that unit may initiate decertification of that labor organization as the exclusive representative if 30% or more of the public employees make a written request to the board or local board for a decertification election; request for decertification may be made at any time an appropriate bargaining unit has only one or no public employee who is a dues-paying member of the labor organization that is certified as the exclusive representative of the bargaining unit; a labor organization certified as representative of a bargaining unit in effect prior to July 1, 2015 but is longer a public employer after July 1, 2015 shall continue to be in effect; provided that a governmental entity that is not a public employer shall not enter into a collective bargaining agreement after July 1, 2015. Effective 7/1/15. SPAC/SJC

- SB 476 ELECTRONIC PROOF OF CAR INSURANCE (Sapien)** Amends §66-5-229; an owner or operator of a vehicle who is subject to requirements of the Mandatory Financial Responsibility Act and who demonstrates evidence of coverage may carry that evidence in either a printed or electronic format; electronic format means images displayed by a portable electronic device. SCORC/SJC
- SB 478 OBSTRUCTION OF A STATE AUDIT (Cervantes)** New material; obstruction of a state audit consists of a person who, with the intent to deceive, mislead or interfere, obstructs the performance of an audit, special audit, examination or investigation pursuant to the Audit Act by: 1) destroying, concealing or altering a document; 2) making or causing to be made a false or misleading report; or 3) impeding the State Auditor, personnel of the State Auditor's office or independent auditors; penalty for obstruction is a fourth degree felony. Effective 7/1/15. SPAC/SJC
- SB 480 STATE PURCHASING EXPENDITURE CODES (Rue)** Amends §13-1-95 to authorize the state purchasing agent to develop standardized classification codes for each expenditure by state agencies and local public bodies. SCORC/SPAC
- SB 481 NAMING OF PUBLIC FACILITIES (Moores)** New material; 1) a public facility shall not be named for a public officer during the period that person is a public officer; 2) a public facility shall not be named after a person or public officer that has been convicted of a felony, and if named, the name shall be immediately removed; 3) a public facility that has been named for a person who was not a public officer at the time of naming may continue to bear the name if that person subsequently becomes a public officer; and 4) a public facility that has been named for a public officer prior to the effective date of this act may continue to bear the name of that officer; the Secretary of General Services shall appoint a naming committee to develop a list of at least three names to be considered by the Governor and Secretary. SRC/SPAC
- SB 490 GENDER EQUITY IN PROCUREMENT CODE (Stewart)** Amends §13-1-21; gender equity of wages and salaries means a compilation of data from a business seeking to provide goods or services to a public body that includes information sufficient to determine if the business's wages and salaries paid to its employees are equitable in terms of gender; when a public body makes a purchase using a formal request for proposal process, the public body shall award an additional equivalent of five percent of the total possible points to a business that demonstrates gender equity. SPAC/SJC
- *SB 493 WATER RIGHTS LEASES EFFECTIVE DATES (Wirth)** Amends §72-6-3; leases of water rights must have the opportunity for a hearing through the State Engineer's office. EMERGENCY CLAUSE SCONC/SJC
- SB 494 CUMBRES & TOLTEC RAILROAD VISITOR CENTER – GF (Martinez)** Appropriates \$106,250 from the General Fund to the Cumbres & Toltec Scenic Railroad Commission to develop a gateway center; funding is contingent on the Commission receiving \$425,000 from other sources. SPAC/SFC
- SB 495 PROHIBIT FIREARM POSSESSION BY SOME OFFENDERS (Campos)** New material prohibits anyone convicted of a misdemeanor crime of domestic abuse, battery against a household member or violation of an order of protection from receiving, transporting or possessing firearms; the court shall order the convicted person to transfer any firearms in their possession within 24 hours to state or local law enforcement agency or a federally licensed firearms dealer. Effective 7/1/15. SPAC/SJC

- SB 498 LIMIT UTILITY COSTS WITHOUT NOTICE & HEARING (Rue)** Amends §62-8-7; any rate increase or charges for the utility commodity by a public utility that is not a rural electric co-op organized under the Rural Electric Cooperative Act or a foreign distribution cooperation, based on cost factors other than taxes, shall be permitted only after notice and hearing. SCORC/SJC
- SB 499 DWI WITH MINOR IN VEHICLE (Torraco)** New material creates the crime of driving while intoxicated, eight one hundred or more in a person's blood or breath, with a minor in the vehicle; penalty is a misdemeanor. Effective 7/1/15. SPAC/SJC
- SB 502 U.S. DEPT. OF DEFENSE ENERGY GROSS RECEIPTS (Muñoz)** New material makes receipts from the sale of qualified research and development services and qualified directed energy and satellite-based inputs may be deducted from gross receipts tax. Effective 7/1/15. SCORC/SFC
- SB 503 BEER & WINE DELIVERY LICENSE (Ortiz y Pino)** New material authorizes local option districts to approve the issuance of a beer and wine delivery license; requires an election; deliveries must be made to a person 21 years or older; sets delivery times; all sales are to be made via credit cards, debit cards or electronic payment; cash sales prohibited; exempts this license from the maximum number of license based on population. SCORC/SJC
- SB 505 FULL AMOUNT OF BAIL BY BONDSMEN (Torraco)** New material; all percent bonds or property bonds set by a court may be posted by a licensed bail bondsman pursuant to the Bail Bondsman Licensing Act, provided that the paid surety shall also execute a bail bond for the full amount of the bail set by the court. SCORC/SJC
- SB 509 DISPLAY OF DRIVER'S LICENSE CONVICTIONS (Torraco)** Amends §66-5-2 to allow a person charged with driving without a license to not be convicted if the person, in court, produces evidence of the person's license was valid at the time of the person's citation. Effective 7/1/15. SCORC/SJC
- SB 511 DWI FOR ANY ALCOHOL IN PEOPLE UNDER 21 (Muñoz)** Amends §§66-5-68, 110, 11; allows for revocation of a license of a person 21 years of age or younger for any detectable amount of alcohol in the breath or blood; also applies to a commercial driver's license for the age group. Effective 7/1/15. SPAC/SJC
- SB 519 FIREFIGHTERS' SURVIVOR FUND (Rodriguez)** Amends §59A-53-7 to require a minimum of \$250,000 in the Firefighters' Survivor Fund. Effective 7/1/15. SPAC/SFC
- SB 523 TAX & REV. VOTER INFO CHANGES TO SECRETARY OF STATE (Stewart)** New material authorizes a voter to allow the Taxation and Revenue Department to update their address information by having the Department contact the Secretary of State's office; change of address is to be on a personal income tax return. SRC/SJC
- *SB 524 EMERGENCY WIRELESS PHONE LOCATION INFO (Stewart)** New material requires telecommunications providers to provide call location information to law enforcement agencies if there is a threat that involves the risk of death or serious physical injury or harm; has restrictions by law enforcement for distributing the call location information; no cause of action may be brought against a telecommunications provider, its officers, employees or agents for providing information when acting in good faith; requires providers to submit emergency contact information to the Department of Public Safety in order to facilitate requests from law enforcement agencies for call location information. EMERGENCY CLAUSE. SCORC/SJC
- SB 525 GOVERNMENT LIQUOR LICENSES AT SPACEPORT (Smith)** Amends §60-6A-10 to add to the definition of government entity and government facility the Spaceport Authority for certain liquor licenses. Effective 7/1/15 SCORC/SFC
- SB 529 ACTUARIAL LIABILITY PAID BY EMPLOYER (Sanchez, C.)** New material authorizes the Public Employees Retirement Association to contract with its actuaries to determine the full value attributable to

an action taken or proposed by an affiliated public employer if the action creates an actuarial liability to the funds administered by the Association in an amount of \$1 million or more; if the actions do impose a liability, the affiliated employers must pay for the study; if the action does result in an increase over \$1 million, the affiliated employer shall provide written acknowledgement of the action and shall pay in full or by contract the present value to the Association over a 24-month period. The Association, through the Attorney General, may bring action for enforcement; applies to actions by affiliated employers for fiscal year 2015 and subsequent years. SJC/SFC

- *SB 534** **EMERGENCY WIRELESS PHONE LOCATION INFO (Stewart)** Same as SB 524. EMERGENCY CLAUSE. SPAC/SJC
- SB 538** **LIMITING PER-TRIAL DETENTION FOR SOME CRIMES (Stewart)** New material; a person accused of certain crimes or violation pursuant to a municipal or county ordinance not exceeding 90 days, shall not be held in custody for more than 48-hours pending trial unless the person: 1) is also charged with a full misdemeanor or a felony arising from the same incident; 2) has been properly served with two or more bench warrants for failure to appear; 3) has outstanding bench warrants in other cases pending; or 4) is being validly held on bail in another case; provisions apply to the following crimes: littering, conduct offensive to public well-being, criminal trespass, wrongful use of public property, shoplifting, disorderly conduct, all traffic misdemeanors and petty misdemeanors, crimes that are substantially similar and crimes pursuant to violations of municipal and county ordinances with a potential penalty not to exceed 90 days in jail. SPAC/SJC
- SB 545** **CONFIDENTIAL SUBSTITUTE ADDRESS ACT (Ivey-Soto)** New material creates the Confidential Substitute Address Act that provides a process by which a victim of domestic violence may protect the confidentiality of the victim's residential and delivery addresses in public records; participants apply to the Secretary of State's office and for qualified applicants are issued a confidential substitute address; substitute addresses are not subject to the Inspection of Public Records Act; change of address by a participant must be submitted to the Secretary of State's office within 10 days; repeals §40-13-11. Effective 7/1/15. SPAC/SJC
- SB 550** **REGIONAL WATER UTILITY AUTHORITY ACT (Griego)** New material creates the Regional Water Utility Authority Act that authorizes an authority a variety of purposes including: acquiring waterworks to supply water for domestic, commercial or industrial uses; acquiring wastewater systems; planning regional water or wastewater facilities; implementing storm water management; and advancing technologies aimed at eliminating illegal solid waste disposal; defines entity as a political subdivision, corporate entity or tribal government that provides water or wastewater services; two or more entities, by resolution, may organize an authority by incorporation; gives the authority several broad powers; authority is to have a board; gives the Department of Environment oversight abilities. An authority organized under this Act is not subject to the jurisdiction of the Public Regulation Commission unless the authority chooses to become subject to jurisdiction. Effective 7/1/15. SCONC/SJC
- SJR 10** **NO COUNTY SHERIFF TERM LIMITS (Griego)** Proposes to amend Article 10, Section 2 of the New Mexico Constitution to make all county elected offices four-year terms; all county officials, except sheriffs, are limited to two consecutive four-year terms. SRC/SJC
- SM 53** **STUDY EMERGENCY MEDICAL SERVICES FUNDING (Griego)** Requests the Emergency Medical Systems Bureau of the Department of Health initiate a study to examine certification, licensing, re-licensing and funding options for emergency medical response services, including the advantages and disadvantages of non-profit contractual services or direct government services, volunteer or paid services, departments attached to fire departments or independent services, service levels, geographical limitations and other factors. SRC/SPAC
- SM 61** **NM LIBRARY NEEDS ASSESSMENT (Sanchez, M.)** Requests the New Mexico State Library to support a needs assessment of New Mexico libraries; requests the State Library to support and assist library

organizations in New Mexico to convene a statewide library conference to develop and adopt policies to achieve goals for improved library services. SRC/SPAC

SM 72 **STUDY NM POLICE BRUTALITY (Ortiz y Pino)** Requests the Department of Public Safety to study police violence and the use of excessive force and to propose strategies to prevent and control police violence; New Mexico local elected officials with law enforcement oversight of cities, municipalities, towns and villages are requested to work with the Department during the study; a report to the appropriate interim committee is requested by November 1, 2015. SRC/SJC

SM 80 **DEVELOPMENT MORATORIUM FROM WATER SHORTAGE (Lopez)** Requests Bernalillo County, Sandoval County, Valencia County and the municipalities of Albuquerque, Belen, Bernalillo, Los Lunas and Rio Rancho to consider imposing a temporary moratorium on the approval of new development with more than 500 dwelling units pending confirmation that there will be a sufficient supply of water to serve the needs of the new development; those same local governments are to provide a comprehensive study of the water supply in their jurisdictions, including the prospect for an adequate water supply for a major large-scale development and the impact of such development on the health of the regional population. SRC/SCONC