

LEGISLATIVE BULLETIN

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14 Days and Counting

Several bills the League is monitoring saw committee action this week.

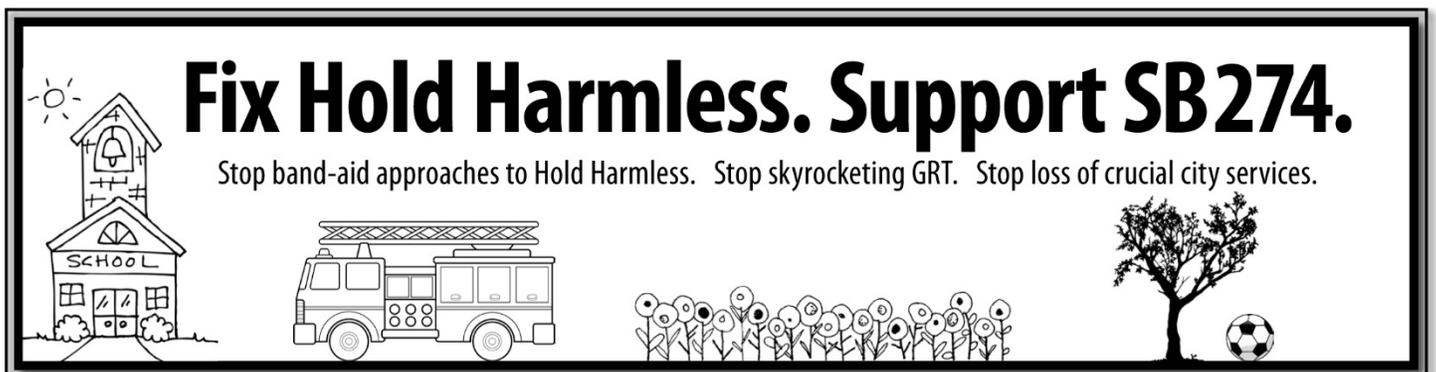
Senate Bill 669, Local Option GRT Distribution Adjustments introduced by Senator Stuart Ingle, received a Do Pass recommendation from the Senate Corporations and Transportation Committee. The bill does several things, including: defines the payback period as 47 months and the recoverable amount is 50% of a three-year average annual distribution of the gross receipts tax; allows the municipality to receive information concerning the claim refund that involves a recoverable amount; provides a notice by the Tax and Revenue Department to the municipality and establishes a 90-day response period. If no response is made by the municipality, the recoverable amount will be paid back in six months by the municipality; if a municipality responds to the Tax and Revenue Department notice within the 90 days, the Department and municipality will negotiate a payback period. The Department will also provide a range of gross receipts tax information to the municipality for their information. The bill now goes to Senate Finance.

House Bill 326, Lodgers' Tax Audits introduced by Representative Bobby Gonzales, received a Do Pass recommendation from the House Government, Elections and Indian Affairs Committee. The bill authorizes a municipality to select any vendor for an audit and creates a criminal penalty for not complying with an audit. The bill also authorizes a municipality to bring action against a vendor. The bill now goes to House Business and Employment Committee.

House Bill 421, Local Government Gross Receipts and Hold Harmless introduced by Representative Jason Harper, was tabled by the House Government, Elections and Indian Affairs Committee. The bill had several features that were an attempt at tackling the hold harmless issue. There was a general consensus that the hold harmless needs to be fixed and this was one of several bills introduced this year that address the issue in some way. House Bill 491, Reduce Multiple Tax Rates also introduced by Representative Harper, received a Without Recommendation from the House Transportation and Public Works Committee. The bill has major tax reform measures and has five committee referrals in the House.

House Bill 288, Value of Land Leased or Sold by Cities introduced by Representative Zack Cook, received a Do Pass recommendation from the House Judiciary Committee. This League priority 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.

House Bill 366, Oil and Gas State Preemption, introduced by House Majority Leader Nate Gentry, received a Do Pass as Amended recommendation from House Judiciary Committee. The amended bill specifies that the state Oil Conservation Commission and Oil Conservation Division have exclusive jurisdiction over citing of oil and gas wells, and would probably preempt any municipal or county ordinances concerning those operations. The amended bill states the preemption would not apply to tribal lands, acknowledged select state agency purview over certain aspects of the oil and gas industry and made state jurisdiction exclusive. The bill now goes to the House floor.



Fix Hold Harmless. Support SB274.
Stop band-aid approaches to Hold Harmless. Stop skyrocketing GRT. Stop loss of crucial city services.

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)

<p>HOUSE COMMITTEES</p> <p>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</p>	<p style="text-align: center;">SENATE COMMITTEES</p> <p>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</p>
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Bill Introductions Through Wednesday, March 4, 2015

- CS/SB 711** **MUNICIPAL POST-EMPLOYMENT BENEFIT TRUST** Same as HB 577. SPAC/SJC
- CS/SB 712** **HOLD HARMLESS REDUCTION EXEMPTIONS** Amends §7-1-6.46; raises the municipal population limit from 10,000 to 12,500 in order to receive hold harmless distributions. SFC
- CS/SB 719** **SOME HOSPITAL SUBJECT TO OPEN MEETINGS ACT** New material; the boards or the policymaking body of hospitals licensed by the Department of Health that receive public funding are subject to the Open Meetings Act. SRC
- SJR 18** **FOUR-YEAR HOUSE OF REPRESENTATIVE TERMS (Ingle)** Proposes to amend Article 4, Section 4 of the New Mexico Constitution to have four-year terms of office for elected state representatives after a two-year term beginning January 1, 2017. SRC/SJC
- SM 116** **INVESTIGATE BIASED-BASED POLICING (Ortiz y Pino)** Requests the Attorney General to investigate whether the state's law enforcement agencies, officers or departments have established the procedures under the Prohibition of Profiling Practices Act and whether they have engaged in the use of excessive violence and biased-based policing; further requests the Attorney General to publish the report contemplated in the Prohibition of Profiling Practices Act, including in the report the names of which law enforcement agencies in the state are non-compliant with the Act; requests the Attorney General to report to an interim committee concerned with criminal justice matters on the status of complaints that have been submitted to law enforcement agencies pursuant to the Act; requests a criminal justice interim committee address the lack of action on part of certain law enforcement agencies with the requirements of the Act. SRC/SPAC