

LEGISLATIVE BULLETIN

VOL. 2015-8

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Crunch Time

With just over one week left in the First Session of the 52nd Legislature, several bills the League is monitoring saw committee action.

Senate Bill 466, Law Enforcement Return-To-Work introduced by Senate Minority Leader Stuart Ingle, was tabled in Senate Judiciary Committee. The bill would have allowed certain law enforcement officers to return to work for an affiliated employer and be required to make contributions.

House Government, Elections and Indian Affairs Committee Substitute for House Bill 581, Local Option GRT Distribution Adjustment, originally introduced by Representative George Dodge, received a Do Pass recommendation from the Committee. The bill now goes to House Ways and Means Committee. A companion Senate Bill 669, introduced by Senate Minority Leader Stuart Ingle, received a Do Pass from the Senate Finance Committee and is now on the Senate floor. Both bills address the issue of GRT distributions adjustment between municipalities and the Taxation and Revenue Department.

House Bill 474, Fire Protection Fund to Watershed Restoration introduced by Representative Paul Bandy, was tabled in the House Ways and Means Committee. The bill would have made a distribution from the Fire Protection Fund to the Watershed Restoration Fund.

House Bill 288, Value of Land Leased or Sold by Cities introduced by Representative Zack Cook, unanimously passed the House on a 64-0 vote. The bill increases the value from \$25,000 to \$250,000 of a municipal utility or real property that may be sold or leased by a municipality.

House Bill 326, Lodgers' Tax Audits introduced by Representative Bobby Gonzales, received a Do Pass as amended recommendation from the House Business and Employment Committee. Under the bill, 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. Membership of the Lodgers' Tax Advisory board shall be at least five members, including an equal number of members who are owner or operators of lodging and tourism industries. The bill now goes to the House Ways and Means Committee.

House Bill 366, Oil and Gas Preemption of Local Government Authority introduced by House Majority Leader Nate Gentry, passed the House on a 37-28 vote. The bill, as amended, gives the state Oil Conservation Commission and the Oil Conservation Division exclusive jurisdiction and authority over all matters relating to oil and gas conservation, extraction, production and storage.

House Bill 487, City Court Fee Transfer to City General Fund introduced by Representative Jane Powdrell-Culbert, received a Do Pass recommendation from the House Government, Elections and Indian Affairs Committee. The bill authorizes municipalities with populations of less than 10,000 to transfer balances in the municipality's Corrections Fee fund to the municipality's General Fund if the balances are in excess of the municipality's projected needs for the next fiscal year. The Bill is now on the House Floor.

NOTE: We will not publish the *Legislative Bulletin* next week, as the Legislature is in session until noon, Saturday, March 21. We will publish a *Final Bulletin* later that will have a summary of legislation passed that affect municipalities.

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, March 11, 2015

- CS/HB 392 AUDIO AND VIDEO STREAM OF PUBLIC BODY MEETINGS** Amends §§10-15-1 and 10-15-2; the House Government, Elections and Indian Affairs Committee Substitute changes the original wording of HB 392 to allow the Department of Information Technology to restrict its oversight duties to only the video and audio streaming of executive agencies unless specifically requested to provide aid to a local government, leaving other political subdivisions to develop and control their own streaming capacities, giving the presiding officer of the board, commission, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision, the authority to determine the practicability of video or audio streaming. Webcasting of the stream shall be done through the governor's sunshine portal. How to access the live stream of the meeting must be provided in the notice of the meeting; the last new subsection H of §10-15-1 of the substitute bill states that the new requirements do not apply to "any board, commission, administrative adjudicatory body or other policymaking body," which appears to contradict the requirements earlier stated that all such bodies are required to stream their meetings. In the original bill those bodies that were exempted were limited to a municipality with less than 15,000 population, a county other than a class A county and a political subdivision of the state other than a county or municipality. The legislature must also stream, and has no conflicting exemption that appears to nullify the intent of the streaming requirements. Effective 7/1/15. HJC
- *CS/HB 442 TELECOMMUNICATIONS SAFEGUARD ACT** Enacts new material; the House Business and Employment Committee Substitute for HB 442 adds an additional Section 3 of new material to expand the Telecommunications Safeguard Act as set forth in the original HB 442. The section sets forth "requirements" that actually are further limitations on the competitive edge of a municipal-owned telecommunications service including: restricting the provision of services to only the area within the municipality; allowing nondiscriminatory access to private telecommunications providers to rights-of-ways, poles or conduits leased or operated by the municipality if there is reasonably sufficient capacity for the additional use, requiring that the municipal-owned telecommunications provider pay any taxes or fees that a private telecommunications provider would pay to the municipality; prohibiting the municipal-owned telecommunications provider from using municipal powers of zoning or other regulation from restricting private telecommunications providers from the private market within the municipality, restricting use of fees and revenues from other private or municipal sources to subsidize the municipal-owned telecommunications provider; or pricing the provision of the service below the actual cost of service provision . EMERGENCY CLAUSE. HGEIC
- HM 125 STUDY IPRA REQUESTS FOR SCHOOLS (Martinez, K.)** Requests the Legislative Finance Committee to convene a working group to study and make recommendations to address the administrative and fiscal burdens on public post-secondary educational institutions and public school districts of complying with the Inspection of Public Records Act and to study and make recommendations for preserving the privacy needs and the potential claims of individuals; a representative of the New Mexico Municipal League is to be part of the working group. HEC
- HM 127 STUDY ONGOING COSTS OF RAIL RUNNER (Rehm)** Requests the Department of Transportation to study the costs to the state and to local governments of maintaining and operating the Rail Runner over the next 20 years; the feasibility of selling the track, rolling stock and other Rail Runner assets currently owned by the state; and the potential benefits of replacing the Rail Runner with a re-established commuter bus service; requests a report to the appropriate interim committee by November 15, 2015. HTPWC