

LEGISLATIVE BULLETIN

VOL. 2012-3

FEBRUARY 3, 2012

BILL INTRODUCTIONS CEASE, SESSION END NEARS

Reforming New Mexico's tax laws is an often-heard proposition in the Roundhouse this year. Governor Martinez has called for a tax decrease for certain businesses and legislators have introduced bills to address the issue. One bill in particular, Senate Bill 229, introduced by Senate Finance Committee Chair John Arthur Smith, goes a step further than the Governor's request. The bill eliminates the state's Gross Receipts and Compensating Tax Act. If enacted, the bill would do away with approximately \$3.2 billion in tax revenue the state and local governments collect each year. Senator Smith acknowledges that the bill doesn't have a chance of passage, but his introduction was aimed at bringing attention to the state's hodge podge tax system, which he likened to "swiss cheese," due to the myriad number of deductions, exemptions and credits in state law. The bill did receive a Do Pass recommendation from the Senate Corporations and Transportation Committee.

Several bills of municipal interest had committee hearings this week. Senate Bill 52, No Precinct Worker Benefit Suspensions, introduced by Senator George Muñoz and Representative Lucky Varela, received a Do Pass recommendation from the Senate Rules Committee. The bill states that precinct board members are designated as seasonal employees and suspension of benefits under PERA do not apply to retired employees working as precinct board members working in a municipal election or an election covered by the Election Code. This would allow retired PERA beneficiaries to be precinct workers without having to suspend their PERA benefits. The bill now goes to the Senate Judiciary Committee.

Senate Bill 5, Restrict Use or Sale of Fireworks, introduced by Senator Dede Feldman and Representative Nate Gentry, was heard in Senate Public Affairs Committee which voted a Without Recommendation referral. The bill authorizes the Governor to proclaim an emergency that temporarily bans or restricts the sale or use, or both, of fireworks in an area where the fire danger rating is high, very high or extreme as determined by the National Fire Danger Rating System. The bill amends §60-2C-8.1 to authorize the governing body of a municipality to hold a hearing to determine if fireworks restrictions should be imposed within the municipality where fire danger ratings are determined to be high, very high or extreme as determined by the National Fire Danger Rating System and if determined to be so, the governing body may issue a proclamation banning or restricting the sale or use of all fireworks. The bill now goes to the Senate Corporations and Transportation Committee.

Another bill concerning fireworks regulations was introduced this week. Senate Bill 300, Allow EMNR to Ban Fireworks, introduced by Senator Phil Griego, would allow the Forestry Division of the Energy, Minerals and Natural Resources Department to ban fireworks on non-federal, non-municipal lands within counties during periods of severe drought. The bill has been referred to the Senate Committee's Committee to determine if it is germane during this session.

Senate Bill 10, Condo Declaration Zoning Law Compliance, introduced by Senator Peter Wirth, received a Do Pass recommendation from the Senate Public Affairs and Senate Judiciary Committees. The bill requires the contents of a declaration of condominium that, if required by local ordinance, contain a written confirmation from the local zoning official that the condominium complies with the zoning density requirements of the local zoning and subdivision ordinances or regulations as required by the state Condominium Act.

Two bills are scheduled to be heard in Senate Corporations and Transportation Committee on Friday. Senate Bill 207, Internet Sales gross Receipts, introduced by Senator Eric Griego, would allow for collection of gross receipts and compensating taxes on some internet sales for personal use. Senate Bill 219, State Aviation Fund Uses, introduced by Senator Michael Sanchez, would remove the June 30, 2012 sunset for distributions to the State Aviation Fund. The bill amends §64-1-15 to authorize State Aviation Funds to be used for planning, program administration, construction, equipment, materials and maintenance of a system of airports, navigation aids and related facilities.

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.*
-
-

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. Daily analysis of newly-introduced bills will also be posted on the website under Legislative News. 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.

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	HVEC	Voters and Elections
HAFC	Appropriations and Finance		
HAGC	Agriculture and Water Resources	SENATE COMMITTEES	
HBIC	Business and Industry	SCC	Committee's Committee
HCPAC	Consumer and Public Affairs	SCONC	Conservation
HCW	Committee of the Whole	SCORC	Corporations and Transportation
HEC	Education	SCW	Committee of the Whole
HENRC	Energy and Natural Resources	SEC	Education
HEEC	Enrolling and Engrossing	SFC	Finance
HHGAC	Health and Government Affairs	SIAC	Indian and Cultural Affairs
HJC	Judiciary	SJC	Judiciary
HLC	Labor and Human Resources	SPAC	Public Affairs
HPSC	Printing and Supplies	SRC	Rules
HRC	Rules and Order of Business	SWMC	Ways and Means
HTPWC	Transportation and Public Works		
HTRC	Taxation and Revenue		

Bill Introductions Through Wednesday, February 1, 2012

- HB 215 CHILD SEXUAL OFFENSES PROSECUTION TIME (Park/Curtis).** Amends §30-1-9.1. To provide that the statute of limitations for three specific sex offenses against children begins to run when victim turns 50. Effective 7/1/12. HRC
- HB 216 DWI: EVIDENCE IN CASES (Park).** Enacts a new section in the Implied Consent Act. A certified report of the findings and analysis of a test administered pursuant to the Act shall be received into evidence in any court proceeding with the same force and effect as if the individual who conducted the analysis had testified in person; before a certified report may be used in lieu of analyst testimony in a criminal trial, a copy of the report shall be served upon the opposing party at least 21 days prior to trial; if the opposing party objects to the absence of an analyst's testimony, the opposing party may serve a written objection, within seven days on both the laboratory that produced the report and the offering party; if the objection is served in a timely manner, the report will not be introduced without analyst testimony; if not received in a timely manner, the report may be received into evidence at trial without analyst testimony. Provides a procedure for providing testimony by interactive video. Effective 7/1/12.
- HB 222 DWI: INCREASE HOMICIDE PENALTIES (Egolf).** Amends §66-8-101 provides for a 2nd degree felony for homicide by vehicle when the driver has an alcohol concentration of sixteen one hundredths or more within three hours of driving the vehicle; increases the basic sentence for prior DWI convictions from four to six years. Effective 7/1/12. HRC
- HB 223 GRT DEDUCTION: MANUFACTURING EQUIPMENT (Garcia, T).** Enacts new material to provide for a gross receipts deduction for the sale of manufacturing equipment; defines "manufacturing equipment" as an essential machine, mechanism or tool or a component of an essential machine, mechanism or tool used directly and exclusively in a taxpayer's manufacturing operation; does not include any vehicle that leaves the site of the manufacturing operation for purposes of transporting persons or property. Effective 7/1/12. HBIC/HTRC

- HB 224 TAX & REVENUE DEPT. FEES & DISTRIBUTIONS (Varela).** Increases statutorily the administration fee for collection of local gross receipts taxes from 3% to 3¼%; the increase above 3% shall be retained by the Taxation and Revenue Department for audit and collection activities; also establishes an administrative fee of 3.25% to administer the hold harmless provisions. These fees were imposed in the state General Appropriation Act over the past three years. HHGAC/HTRC
- HB 233 GRT: INTERNET SALES (Chavez, E.).** Repeals §7-9-7.1 allowing for collection of the gross receipts and compensating tax of certain internet sales of goods and services; enacts a new section that requires a person to report all purchases made of personal tangible property that are subject to the compensating tax and are used only for nonbusiness purposes; allows a person to apply an income tax refund due against the compensating tax due if their income tax liability is lower than the amount held to the credit of the person for that tax year. HBIC/HTRC
- HB 235 STATE ELECTION CODE: VOTER ID (Hamilton).** Requires voters to provide either photo identification or a verbal or written statement by the voter of the last four digits of their social security number; an absentee voter who is a new registrant, who registered by mail and who did not submit a copy of a physical form of ID at that time must provide a photo ID when voting. The photo ID presented may be : (1) a New Mexico driver's license; (2) a military ID card; (3) a U.S. passport; or, (4) an ID card issued by the Motor Vehicle Division; an identification document issued by an Indian nation, tribe or pueblo showing the name and address is accepted in lieu of the photo ID. Effective 7/1/12. HVEC/HJC
- HB 236 SEX OFFENDER REGISTRATION CHANGES (Maestas).** Similar to HB 179 in that it provides for three tiers of sex offender classifications and uses the tier classifications to determine frequency of registration. Adds the following sex offenses: relating to prostitution; human trafficking; criminal sexual communication with a child; sex trafficking of children by force, fraud or coercion; misleading domain names on the internet; misleading words or digital images on the internet; travel with intent to engage in illicit sexual conduct; engaging in illicit sexual conduct in foreign places; failure to file a factual statement about an alien individual; use of interstate facilities to transmit information about a minor. Adds under the definition of "sex offender" those convicted pursuant to the law of a foreign nation as specifically defined; changes the definitions of "kidnapping" and "false imprisonment" from when the victim is less than 18 to "with intent to inflict a sexual offense"; changes registration time frame from 10 to three business days; requires additional information for registration purposes; requires sex offenders to register with the state police instead of the county sheriffs. Requires the Department of Public Safety to send a registration verification form to the sex offender at least 15 days prior to their verification date and requires the offender to appear in person; authorizes the state police to photograph the offender if their appearance is significantly different than the one in the file; allows the sex offenders to notify state police electronically via a secure system of any change in registration information. Provides for credit for registration in other jurisdictions or while on probation or parole; prescribes the registration information that is authorized to be on the internet web site. Extends the current preemption of local governments by also prohibiting them from imposing any other restrictions on sex offenders that are not included in this Act; law enforcement agencies shall not require a sex offender to report or register more frequently or provide information not required by this Act. Provides that a district attorney is not required to provide notice before prosecution for child solicitation by electronic communication device and criminal sexual communication with a child. Effective 7/1/13. HRC
- HB 237 REINSTATE DEATH PENALTY (Kintigh).** Reinstates the death penalty and changes capital felony sentencing procedures and guidelines. Effective 7/1/12. HCPAC/HJC
- HB 243 STATUS OF WATER RIGHTS UNDER LEASE (Gonzales).** Amends §72-6-3. Provides that the beneficial use by a lessee of any part of the water use due under the owner's water right shall constitute beneficial use of that part of the owner's water right; in a fully appropriated system where a state engineer permit has authorized a change in the place or purpose of use of a finally adjudicated ground water right but where it has become infeasible to place the water to the permitted beneficial use because of a change in circumstances beyond the permittee's control, the permittee, prior to the date for filing proof of beneficial use, may lease all or any part of the water use authorized by the permit for ten years, subject to renewal for a maximum of one more ten-year term, provided that: only that amount of water placed to

beneficial use under the lease shall be accepted as satisfying the beneficial use requirement of the permit necessary to establish a water right; and, provided that the water placed to beneficial use is only within the fully appropriated system and may include any beneficial use. The permittee shall give written notice of any such proposed lease to all protestants, if any, who participated in the prior permitting proceeding. HRC

- HB 244 MV: DRIVER'S LICENSES & GUEST DRIVER'S PERMITS (Chavez, D.).** Enacts two new sections of the Motor Vehicle Code; amends §66-5-9. Provides for a new guest driver permit for "undocumented guests" defined as a person who is: (1) a New Mexico resident; (2) is 18 or older; (3) not a U.S. citizen and does not have a social security number or a federal valid document authorizing their U.S. presence; and, (4) possesses an individual taxpayer ID number. The applicant is subject to a criminal background check and a drug test conducted at the applicant's expense by a facility authorized by the Taxation and Revenue Department; failure of either of these makes the applicant ineligible for the permit. The permit is only valid in New Mexico and is not proof of valid presence in the U.S. The permit is valid for one year and may be renewed for one-year terms as long as the same requirements are met. Sets a \$35 fee for the permit; provides for an expiration date of December 31, 2012 of driver's licenses issued to foreign nationals who did not provide with their application valid documentation issued by the federal government; the foreign nationals may be issued a new permit upon surrendering their license if they meet the above requirements for a permit. Effective 7/1/12. HRC
- HB 247 ADDITIONAL VIOLENT FELONIES (Cook).** Amends §33-2-34 to provide that first degree murder and the crime of abuse of a child that results in death or great bodily harm are serious violent offenses for the purpose of calculating earned meritorious deductions in prison. Effective 7/1/12. HCPAC/HJC
- HB 252 SOLID WASTE ACT PUBLIC HEARINGS (Taylor).** Amends §§74-9-22, 23, 24, 28 & 29 of the Solid Waste Act to require that any notice of a public hearing on an application shall include a statement that: 1) a hearing may occur on the application, subject to a later determination that the application is complete and that there is significant public interest; 2) no hearing may be held if there is not significant public interest; and 3) any member of the public may comment to the Secretary of Environment about whether there is significant public interest and how to provide such comments. In the event a public hearing is not held on the application, the Director shall, within 60 days after the application is deemed complete, issue a permit, issue a permit with terms and conditions or deny a permit application. Provides that no permitting actions may be taken without a prior hearing until 31 days after the Board has adopted a definition of significant public interest and a procedure to determine whether there is significant public interest warranting a hearing on the permit application. HENRC/HJC
- HB 253 WORK SHARE PROGRAM (Stewart).** Enacts new material under the Unemployment Compensation Act to create a work share program to allow employers to reduce work hours of certain employees in lieu of layoffs; allows certain employees to collect unemployment compensation benefits in proportion to a reduction in work hours. Effective 7/1/12. HRC
- HB 256 GRT DEDUCTION: MANUFACTURING PROPERTY (James).** Amends §7-9-46 to make receipts from selling tangible personal property deductible from gross receipts or governmental gross receipts taxes if the sale is made to a person engaged in the business of manufacturing who delivers a nontaxable transaction certificate to the seller; the buyer delivering the certificate must use the property in such a way that it is consumed in the manufacturing process; provided that the tangible personal property is not a tool or equipment used to create the manufactured product. Effective 1/1/2013. HBIC/HTRC
- HB 261 MV: COMMERCIAL DRIVER'S LICENSE RETESTING (Vigil).** Amends §66-5-60 regarding commercial driver's licenses. An applicant that does not pass the test may repeat the test as often as the applicant chooses; provided that if the applicant's score is 50% or less of the score required to pass the test, the applicant shall not repeat the test for at least 24 hours. HRC
- HB 263 MV: DRUG POSSESSION DRIVER'S LICENSE REVOCATION (Rehm).** Amends §66-5-29 to provide that a driver's license shall immediately be revoked for a period of six months beginning on the date that the conviction or adjudication is final and all rights to an appeal have been exhausted for the

following offenses: 1) trafficking of controlled substances; 2) distribution to a minor; 3) distribution or possession with intent to distribute; 4) possession of a controlled substance; or 5) attempt or conspiracy to possess, distribute or manufacture a substance prohibited under the Controlled Substances Act. Effective 7/1/12. HRC

- HB 268 LOCAL GOVERNMENT CORRECTIONS FEE TRANSFERS (Hall, JW).** Amends §35-14-11. If a municipality has a balance in its special corrections fee fund that is over the amount projected to be needed for the next fiscal year, the municipality may transfer the unneeded balance to the municipality's general fund; the Local Government Division must approve the transfer; the Division shall base its approval on the municipality's history of use of the corrections fee and present and future corrections obligations of the municipality. HRC
- HB 270 PERA: STATE EMPLOYEE & TEACHER RETIREMENT CHANGES (Stewart).** Enacts a new definition of "public safety member" as a peace officer under state general member coverage plan 3 or a member in: state police and adult correctional plan 1; state hazardous duty plans 1 and 2; municipal police plans 1,2,3,4,5; municipal fire member plans 1,2,3,4,5; or, municipal detention officer plan 1. Changes the retirement requirements for state general plan 3 non peace officer members and municipal general coverage plans 1, 2, 3, 4 who will not have at least five years service credit on July 1, 2012 to 65 years of age or, age 55 and 30 more years of service credit. Increases the employee contribution by 1.5% for municipal general member plans 1, 2, 3, and 4. Also increases the employee contribution by 1.5% under the municipal police member plans 1, 2, 3 4, 5, municipal fire member plans 1, 2, 3, 4, 5 and municipal detention officer plan 1. Also increases contributions for state general plan 3, state police and correctional member plan 1. Provides that a cost of living increase begins when a member has been retired for at least two full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted. Ties a cost of living increase to the consumer price index for those who are not a public safety member and who do not have five years of service credit on July 1, 2012. Effective 7/1/2012. HRC
- HB 272 RAISE GAS TAXES FOR HWY 491 PROJECT (Jeff).** Imposes a one cent gasoline surtax and a one cent special fuel surtax to fund the completion of U.S. Highway 491 four-lane project; the surtaxes would be in effect for 15 years. Authorizes the New Mexico Finance Authority to issue bonds to finance the project to be paid from: federal funds not otherwise obligated that are paid into the State Road Fund; proceeds from collection of taxes and fees required to be paid into the State Road Fund not otherwise pledged; and, the taxes paid into the Highway 491 Project Fund. Effective 7/1/12. HTPWC/HTRC
- HB 273 EXPAND CONVENTION CENTER FINANCING ACT (Martinez, R.).** Amend §5-13-2. Expands the eligibility for local governments to impose a convention center fee to all municipalities and counties; authorizes municipalities to enter into a joint powers agreement to collect revenue from a convention center fee and to expend the revenue as required by the Act if the municipalities are located in the same county within 20 miles of the corporate limits of each other, and they have enacted an ordinance to impose the fee. HRC
- HB 275 GRT DEDUCTION: SELF-EMPLOYED BUSINESS (Maestas).** Enacts new material to allow a deduction from gross receipts for services provided in the first year of business by a person who is self employed. Effective 7/1/12. HCPAC/HTRC
- HB 276 CRIME OF FAILURE TO REPORT DEATH OF A CHILD (Hall, JC).** Enacts "Caylee's Law" as a new section of the Criminal Code. Creates new crimes by failure to report the disappearance of a child by a parent or guardian having the care, custody and control of a child under 14 years of age and failing to notify a police officer or appropriate law enforcement agency of the disappearance within 24 hours; failure to report the disappearance is a 4th degree felony; failure to report the disappearance when the circumstances would lead a person to believe the child was in danger of physical harm is guilty of a 3rd degree felony. Failure to report the death of a child is a 4th degree felony; failure to report the death of a child when the circumstances would lead a person to believe that the death occurred as a result of a crime is a 3rd degree felony. Effective 7/1/12. HRC

- HB 277** **GRT: FEDERAL WATER PROJECTS (Lundstrom).** Enacts a new section of the Municipal Local Option Gross Receipts Taxes Act. The governing body of a municipality may enact an ordinance imposing a federal water project gross receipts tax; the rate of the tax shall not exceed one-fourth percent of the gross receipts of the person engaging in business; the governing body of the municipality may dedicate the revenue for the repayment of loan obligations to the federal government for the construction, expansion, operation and maintenance of a water delivery system and for the expansion, operation and maintenance of the water system after the loan obligation to the federal government is retired or repaid. The ordinance enacting the tax shall be subject to a positive referendum. Effective 7/1/12. HBIC/HTRC
- HB 278** **PROCUREMENT: BUSINESS SUSPENSIONS (Larrañaga).** Amends §13-1-177 & 178. A central purchasing office may immediately suspend a business for up to 90 days if there is reasonable suspicion of conduct by the business that would warrant suspension for cause. If a business is immediately suspended, a central purchasing office shall: 1) immediately issue a written notice to the business by certified mail which shall include the date and time of a review hearing, the reasons for the suspension, a statement that the state may issue a cease and desist order for all services or activities provided by the business under any agreement with the local public body and a statement that the business has the right to appeal the final decision of the review hearing; 2) inform the governing authority of the local public body that has an agreement in place with the business of the immediate suspension; and 3) hold a review hearing of the immediate suspension, before the issuing authority, within 30 days of issuing the written notice. A central purchasing office may immediately suspend a business if a criminal information, indictment or complaint is filed against the business in a district court. Includes causes for debarment or suspension of a contractor. Enacts new material allowing for the continuation of contracts with a debarred or suspended contractor under certain conditions. Effective 7/1/12. HRC
- HB 282** **CERTAIN ARSONS AS FELONIES (Brown).** Amends §30-17-5. Changes the elements and penalties for arson; arson to property other than an occupied structure and there is no resulting damage or when damage is \$250 or less is a petty misdemeanor; arson to property other than an occupied structure when damage is between \$250 and \$500 is a misdemeanor and when damage is between \$500 and \$2,500 is a 4th degree felony. Adds a new 4th degree felony offense of arson to an occupied structure when there is no resulting damage or when damage is \$2,500 or less. Also adds elements to the definition of aggravated arson to include causing a person bodily injury or death; aggravated arson causing bodily injury is a 3rd degree felony; causing great bodily harm or death is a 2nd degree felony. Provides that prosecution pursuant to this Section shall not prevent prosecution pursuant to any other provision of the law when the conduct also constitutes a violation of that other provision. Effective 7/1/12. HRC
- HB 289** **METH MANUFACTURING PREVENTION (Maestas).** Appropriates \$500,000 from the General Fund to the Department of Public Safety to purchase electronic data technology and equipment for collection and sharing between retail pharmacies and the Department of secured pseudoephedrine purchase information at the point of sale, including verified identity details and central database storage, to prevent methamphetamine manufacturing. HCPAC/H AFC
- HB 291** **ALBUQUERQUE: DISTRICT 19 CRIME PREVENTION (Stapleton).** Appropriates \$100,000 from the general fund to the Local Government Division to pay for crime awareness and prevention training to neighborhood associations in District 19 to increase public safety in Albuquerque. HCPAC/H AFC
- HB 294** **PROTECTION ORDER FILING BY MINORS (King).** Amends sections of the Family Violence Protection Act; definitions of domestic abuse include: 1) criminal damage to property or damage to jointly owned or community property when done with the intent to intimidate or threaten or harass; 2) false imprisonment; 3) interference with communications; 4) larceny or deprivation of property with the intent to intimidate or threaten or harass; and 5) cruelty to a domestic pet with the intent to intimidate, threaten or harass; allows a law enforcement officer to present a sworn petition to the district court by electronic means. Authorizes the district court to enjoin a restrained party from committing threatening acts of domestic abuse, contacting or communicating with the protected party, and award temporary custody of children; the court may also grant unsupervised, supervised or no visitation rights; requires an order of protection be filed with a local law enforcement agency. New material allows a minor who is 14

years or older to petition for an order of protection on the minor's own behalf for protection against a co-parent or someone with whom the minor has had a continual personal relationship or for the allegation of stalking or sexual assault; upon request of a protected party and in accordance with the terms of an order of protection, a local law enforcement officer shall, in addition to providing assistance, assist in the enforcement of the terms of the order, including placing a party in possession of a residence and placing any minor child with the party awarded custody in accordance with the order. Effective 7/1/12. HCPAC/HJC

- HB 296** **CRIME OF DRUG PRECURSOR POSSESSION (King).** Amends §30-31B-12. Creates a new crime of possession of certain substances for the purpose of unlawfully manufacturing a controlled substance or a controlled substance analog in violation of the Controlled Substances Act; violation is a 4th degree felony. Effective 7/1/12. HRC
- HB 297** **CUBA: AMBULANCE SERVICES (Rodella).** Appropriates \$100,000 from the general fund to the Local Government Division for ambulance services for the Village of Cuba. HCPAC/HAFC
- HB 298** **ESPAÑOLA FIESTA (Rodella).** Appropriates \$15,000 from the general fund to the Local Government Division to support the Española annual fiesta celebration. HHGAC/HAFC
- HB 307** **ALBUQUERQUE: SENIOR CITIZEN COMPUTER SKILLS TRAINING (Stapleton).** Appropriates \$50,000 from the General Fund to the Local Government Division to fund a program that provides computer skills training for senior citizens at the Highland Senior Center in Albuquerque. HCPAC/HAFC
- HB 320** **DWI PROBATION & INTERLOCKS (Crook).** Amends §66-8-02. Requires a DWI offender convicted of a 1st, 2nd or 3rd DWI be placed on probation for the entire time that the offender is ordered to obtain and have an ignition interlock device installed on their vehicle; requires the court to order, as a condition of probation, that the offender remain in regular contact with the interlock provider and notify the provider of any changes in address or contact information during that period. Effective 7/1/12. HRC
- HJR 28** **CA: MINIMUM WAGE RATE INCREASE (Garcia, MP).** Proposes to add a new section to Article 20 of the NM Constitution to require that state minimum wage rates be increased annually at the rate of inflation. HLC/HVEC
- HJM 18** **PURCHASE OF U.S. & NEW MEXICAN GOODS (Gentry).** Urges governmental entities throughout the state to purchase materials, goods and services from New Mexican and American corporations to the greatest extent possible to help encourage the creation of jobs for American workers and to improve economic conditions within the US on local, state and national levels. HBIC
- HJM 19** **PERA: STUDY CHANGES TO PUBLIC EMPLOYEES RETIREMENT (Trujillo).** Requests the Public Employees Retirement Association to access options for changes to public employees retirement plans to reduce unfunded accrued actuarial liability with a goal of bringing the funding status to 100% by 2041. HLC
- HJM 21** **STUDY ACCESS TO SERVICES FOR YOUTH (King).** Requests the Secretary of Children, Youth and Families to convene a steering committee to study how to develop and provide equitable treatment and equal access to services for youth, from prevention and intervention, with an emphasis on the underserved rural areas of the state; the steering committee shall include representatives from the NM Attorney General's Office, NM Association of Counties, Department of Public Safety, Department of Health, NM Supreme Court, the District Attorney's Association, a local law enforcement agency and many more. HAFC
- HM 41** **LAS CONCHAS FIREFIGHTERS' EFFORTS (Hall, JW).** Honors the heroic efforts of firefighters in the days during, and the recovery following, the Las Conchas wildfire; includes firefighters in Los Alamos County and all those local state and federal agencies assisting, including firefighters, police, emergency services and support personnel from Rio Arriba, Santa Fe and Sandoval Counties, Cimarron,

Tucumcari, Abiquiu, Chamita and Santa Fe, Santa Clara Pueblo, Agua Sana fire department, state Fire Marshal, U.S. Forest Service, U.S. Park Service, and Los Alamos National Laboratory. HLC

- HM 45 SANTA FE: TRAFFIC STUDY (Trujillo).** Requests the Department of Transportation to perform a traffic study of current traffic conditions and projected 20-year traffic conditions for the south St. Francis Drive-West Zia Road intersection in Santa Fe; the study is to include signal timing analysis, particularly in relation to the New Mexico Railrunner Express, and an intersection geometric improvement analysis for improved operations and safety. HTPWC
- HM 46 STUDY EMERGENCY WATER SUPPLIES (Dodge).** Requests the appropriate legislative interim committee to review the state's options to respond to emergency water shortage conditions in communities in need; cites that such water shortages threaten the economy and the public health, safety and welfare and may be beyond the capacity of individual water authorities or local governments to address. HAGC
- SB 226 GRT: DEDUCTION FOR DYED FUELS (Harden).** New material states receipts from selling special fuels dyed according to federal regulations may be deducted from gross receipts tax if the deduction from the special fuels tax pursuant to §7-16A-10 is claimed. Effective 7/1/12. SCORC
- SB 229 REPEAL GROSS RECEIPTS AND COMPENSATING TAX ACT (Smith).** Repeals §§7-9-1 through 114, the Gross Receipts and Compensating Tax Act. Effective 7/1/12. SCORC – Do Pass; SFC
- SB 230 GRT: STATE CHILD DAYCARE SERVICES DEDUCTION (Griego, P.).** New material states receipts from the state for fees paid to a provider for providing child daycare services for families qualified to receive assistance from the state to pay for all or part of child daycare services may be deducted by the provider from gross receipts tax. Effective 7/1/12. SCORC/SFC
- *SB 234 FRAUD AGAINST TAXPAYERS ACT PUBLIC LIABILITY (Ryan).** Amends §44-9-10; sovereign immunity is not waived in the Fraud Against Tax Payers Act; a governmental entity and any public employee while acting within the scope of duty are immune from liability for any claims brought pursuant to the Fraud Against Taxpayers Act; in the event an action is brought against a public employer pursuant to the Act, a governmental entity shall not be liable for fees, costs or expenses or any judgment or settlement that a public employee may incur in defense of that action; as used in this amendment, “governmental entity” and “public employee” have the same meaning as those terms are defined in the provisions of §41-4-3 NMSA 1978 of the Tort Claims Act. EMERGENCY CLAUSE. SPAC/SJC
- SB 241 GRT: NATURAL GAS SALES TO POWER PLANT DEDUCTION (Muñoz & Rep. Gentry).** New material authorizes a deduction from gross receipts taxes for sales of natural gas to the owner of a power plant or other electric generation facility that uses natural gas. Effective 7/1/12. SCORC/SFC
- *SB 245 COUNTY RECORD INDEXING (Ulibarri).** Amends §§14-3-15.1 and 14-3-18 to clarify that a state agency that enters data into a data base and a county or municipality that enters data into a database to record property rights or taxation records shall authorize an electronic copy to be made of the database on a currently available electronic medium if the person agrees: 1) not to make unauthorized copies of the database; 2) not to use the database for solicitation or advertisement unless such use is otherwise specifically authorized by law; 3) not to allow access to the database by any other person; and 4) if the request is for more than one hundred records, to pay a royalty or other consideration to the state, county or municipality as may be agreed upon by the state, county or municipality that created the database. Makes some changes to county real property and title indexing. EMERGENCY CLAUSE. SCC/SPAC/SJC
- SB 260 GRT: SMALL BUSINESS DEDUCTIONS (Boitano).** Same as HB 189. SCC/SCORC/SFC

- SB 263** **ESPAÑOLA FIESTA - GF (Martinez).** Appropriates \$15,000 from the General Fund to the Local Government Division for expenditures in 2012 and 2013 to fund the Española Fiesta. SCC/SPAC/SFC
- SB 265** **WORK FORCE SKILLS DEVELOPMENT PROGRAM (Ortiz y Pino).** Appropriates \$235,400 from the General Fund to the Local Government Division to contract with the Mid-region Council of Governments for a work force skills development program. SCC/SPAC/SFC
- SB 271** **ELIMINATE HOLD HARMLESS PROVISIONS (Smith).** Phases out the state's hold-harmless distribution for food and medical services to municipalities and counties over a 15-year period; distributes the following amounts to the Local government Road Fund: fiscal years 2013 through 2016, \$666,000; fiscal years 2017 through 2020, \$1,332,000; fiscal years 2025 and 2026, \$2,664,000; and after 2026, no distribution. Effective 7/1/12. SCC/SCORC/SFC
- SB 274** **PUBLIC EMPLOYEE RETIREMENT CHANGES (Ingle).** Amends several sections of the Public Employee Retirement Act, including the Municipal General Membership Coverage Plans 2, 3 and 4 and Municipal Police Plans 2-5; under each coverage plan of PERA, the final average salary is one-sixtieth of the greatest aggregate amount of salary paid a member for 60 consecutive but not necessarily continuous months of service credit up from 36 months; changes the multiplier for those with less than 5 years of service prior to July 1, 2012. SCC/SPAC/SFC
- SB 276** **GRT DEDUCTION: MANUFACTURING PROPERTY (Ingle).** Same as HB 256. Effective 1/1/13. SCC/SCORC/SFC
- SB 283** **LAS VEGAS HOMELESS ASSISTANCE – GF (Griego, P.).** Appropriates \$45,000 from the General Fund to the Local Government Division for expenditure in fiscal year 2013 to provide assistance to the homeless in the City of Las Vegas. SCC/SPAC/SFC
- SB 287** **PROCUREMENT: EMERGENCY PROCUREMENTS (Rue).** Amends §10-16D-3 to require records of sole source and emergency purchases be included in the state's Sunshine Portal; amends §13-1-98 to make exempt from the Procurement Code procurements exempt as otherwise provided by law; amends §113-1-126 to add the following to conditions that must be met in order to utilize sole source purchase: 1) the service, construction or item of tangible personal property is unique and this uniqueness is substantially related to the intended purpose of the contract; 2) other similar services, construction or items of tangible personal property cannot meet the intended purpose of the contract; 3) the state purchasing agent or a central purchasing office shall use due diligence in determining the basis for the sole source procurement, including reviewing available sources and consulting the using agency, and shall include its written determination in the procurement file; 4) the state purchasing agent or central purchasing office shall not circumvent this section by narrowly drafting specifications so that only one predetermined source would satisfy those specifications. Emergency procurements shall not include the purchase or lease of heavy road equipment; requires the state purchasing agent or local public body purchasing agent to post on the state and local web sites all information pertaining to a sole source purchase; any business or person that willfully violates the Procurement Code is guilty of a misdemeanor if the transaction involves \$250,000 or less and a fourth degree felony if the transaction involves more than \$250,000; requires a central purchasing office to maintain all files associated with sole source purchases for a minimum of three years and are public records. SCC/SPAC/SJC
- SB 288** **OVERSIGHT AND GOVERNMENT REFORM COMMITTEE (Jennings).** New material creates the interim Oversight and Government Reform Committee; the eight-member committee is to be appointed by the Speaker of the House, Senate President Pro Tem and minority leaders in the House and Senate; the Committee may do the following: 1) review the conduct of any legislator, public officer or employee covered by the Governmental Conduct Act; 2) review any contract between the executive branch, including any cabinet department, adjunct agency or any other entities governed by the Executive Reorganization Act; 3) compel witnesses to appear and testify at committee meetings; 4) compel documents or other materials to be produced; and 5) the Committee shall have the power to conduct hearings and administer oaths. The Committee shall have subpoena powers; each agency or institution of the state and its political subdivisions shall, upon request, furnish such documents, material or

information as may be required by the Committee that are not confidential by law. Effective 7/1/12. SCC/SRC/SFC

- SB 289** **GRT: FEDERAL WATER PROJECT TAX (Muñoz).** Same as HB 277. SCC/SCORC/SFC
- SB 298** **DWI: INCREASE CERTAIN DWI PENALTIES (Muñoz).** Amends §66-8-102 to increase penalties for a fourth and subsequent DWI convictions: for a fourth, a term of imprisonment of 30 months, 18 of which shall not be suspended, deferred or taken under advisement; for a fifth, imprisonment of three years, two of which shall not be suspended, deferred or taken under advisement; for a sixth, 43 months imprisonment of which 30 months shall not be suspended, deferred or taken under advisement; for a seventh, four years imprisonment, two years of which shall not be suspended, deferred or taken under advisement; and upon an eighth and subsequent conviction, the offender is guilty of a second degree felony and shall be sentenced to 12 years imprisonment, 10 years of which shall not be suspended, deferred or taken under advisement. Effective 7/1/12. SCC/SPAC/SJC
- *SB 300** **ALLOW EMNRD TO BAN FIREWORKS (Griego, P.)** Amends §60-2C-8.1 of the Fireworks Licensing and Safety Act; in the absence of a proclamation by a county of extreme or severe drought, the Forestry Division of the Energy, Minerals and Natural Resources Department is authorized to make and enforce rules imposing fireworks restrictions on all non-federal, non-municipal lands in the state and in adopting rules, the Division shall: 1) limit fireworks restrictions to specific geographical areas within the state where an extreme fire danger exists; 2) determine an extreme fire danger by using the Energy Release Components of the National Fire Danger Rating System; 3) designate the Southwest Coordination Center as the source of information for the National Fire Danger Rating System; 4) use the 97th percentile of Energy Release component data set forth in a percentile frequency distribution as the breakpoint for determining whether an extreme fire danger exists; 5) only be authorized to adopt and enforce rules imposing fireworks restrictions if the value of the Energy Release Component data reaches the 97th percentile or greater at a particular point in time in a specific geographical area; 6) set forth fireworks restrictions that completely or partially ban the sale and use of fireworks; 7) not enforce its rules in a county where fireworks restrictions subsequently imposed by a county are more restrictive than the rules imposed by the Forestry Division; 8) provide that the rules shall be in effect for no longer than 30 days and be automatically repealed at the end of this time period; 9) obtain the governor's written approval of the final rules prior to the rules becoming effective, and if the governor disapproves of the final rules, the Forestry Division shall withdraw the rules; and 10) modify or rescind the rules by emergency rulemaking, or the governor may modify or rescind the rules by executive order, within 24 hours while the rules are in effect if an extreme fire danger for a specific geographical area no longer exists. Amends §68-2-16 to give the Forestry Division the authority to place restrictions on fireworks in specific geographical area in the state where extreme drought conditions exist. EMERGENCY CLAUSE. SCC/SPAC/SCORC
- SB 301** **PROCUREMENT: INCREASE DOLLAR LIMIT OF SOME CONTRACTS (Griego, P.).** Amends §13-1-154.1 to increase the amount of multiple architectural or engineering design service contracts under a single qualifications-based request for proposal from \$250,000 to \$500,000. Effective 7/1/12. SCC/SCORC/SJC
- SB 368** **LIQUOR TAX PROCEEDS IN JOINT POWERS AGREEMENTS (Muñoz).** Amends §7-24-10.1; joint powers agreements between a county and municipalities in the county as required by the Local Liquor Excise Tax Act shall determine the allocation of the proceeds of the proposed Local Liquor Tax between the county and the municipalities that are parties to the agreement in proportion to the amount of tax proceeds generated within each municipality and the amount of tax proceeds generated within the county but outside of the municipalities. SCC/SCORC/SPAC
- SJM 41** **ALTERNATIVE PROCEDURES FOR ADJUDICATING TRAFFIC OFFENSES (Lopez).** Requests the Administrative Office of the Courts and the New Mexico Association of Counties to convene a task force and conduct a statewide study to examine alternative adjudicative procedures for traffic offenses; the task force shall include representatives from the New Mexico District Attorneys Association, the Administrative Office of the District Attorneys, the Public Defender Department, the

New Mexico Magistrate Judges Association, the New Mexico Sentencing Commission, the New Mexico Sheriffs' and Police Association, the Motor Vehicle Division, the New Mexico Municipal League and other relevant interested parties; the task force is to examine alternative procedures for adjudicating traffic offenses and decriminalizing certain minor traffic offenses and consider the feasibility of eliminating the Motor Vehicle Division's involvement in the traffic citation, data entry and fine collection process and consolidating such processes with the courts; examine all practical aspects of implementing changes; and propose legislation in accordance with any recommended changes. The AOC and NMAC are to present findings to the appropriate interim committee by November, 2012. SRC/SJC

SM 46 LAS CONCHAS FIREFIGHTERS' EFFORTS (Cisneros). Same as HM 41. Tabled.