Almost Half-Way Through

Bill introductions continued this week as the day for ending introductions approaches next week – February 5. This year a number of Memorials, Joint Memorials, Joint Resolutions and Resolutions have been introduced addressing a variety of issues. At press time, 24 Joint Resolutions – six in the House and 18 in the Senate – have been introduced proposing constitutional amendments. A Joint Resolution proposing a constitutional amendment that passes both Houses does not need any action by the Governor; rather, the issues they propose are put on a general election ballot for the electorate to vote on. Some of the issues proposed include eliminating the Governor’s pocket veto power and the legalization of marijuana.

Three bills concerning the hold harmless issue were introduced this week. Senate Bill 170, Reduction in Hold Harmless Gross Receipts, introduced by Senator George Muñoz, is essentially a duplicate of House Bill 114, introduced by Representative Patricia Lundstrom and reported last week. Senator Muñoz also introduced Senate Bill 171, Local Govt. Hold Harmless Gross Receipts, and Senate Bill 217, County Hold Harmless Gross Receipts. Both bills use population and county valuation to define how a hold harmless county could be defined.

Senate Bill 19, Prohibit Texting While Driving, introduced by Senator Peter Wirth, received a Do Pass as amended recommendation from the Senate Public Affairs committee. Attempts to pass legislation against the practice have been introduced every year since 2009, but have never been successful. According to the National Conference of State Legislatures, 41 states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands have bans on driving and texting.

Senate Joint Memorial 4, Study State Building Broadband Infrastructure, introduced by Senator Jacob Candelaria and Representative Debbie Rodella, received a Do Pass as amended recommendation from the Senate Rules Committee. The Joint Memorial, which now will be heard in Senate Corporations and Transportation Committee, requests a task force study the appropriate role of the state in building broadband infrastructure to provide broadband access to all New Mexicans.

House Bill 14, Aircraft Parts & Maintenance Gross Receipts, introduced by Representative James White and Senator Carlos Cisneros, received a Do Pass as amended recommendation from the House Taxation and Revenue Committee. House Bill 16, Liquor Tax Distribution to DWI Grant Fund, introduced by Representative Christine Trujillo, and House Bill 55, 2014 Work NM Act – Severance Tax Bond Projects, introduced by Representative Jim Trujillo, both were tabled in the same committee.

DON’T FORGET! The League will hold its 25th Annual Municipal Day on Friday, February 7, 2014 at La Fonda Hotel in Santa Fe. This is a great opportunity to hear legislative updates from League staff and to meet with legislators. The program starts at 10 a.m. and a luncheon will be served. Check the League’s web site at www.nmml.org for hotel information and registration.
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.
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* Contains Emergency Clause (effective immediately on Governor's signing)
CA - Constitutional Amendment (requires approval by statewide electorate)

### HOUSE COMMITTEES
- HAFC: Appropriations and Finance
- HAGC: Agriculture and Water Resources
- HBIC: Business and Industry
- HCPAC: Consumer and Public Affairs
- HCW: Committee of the Whole
- HEC: Education
- HENRC: Energy and Natural Resources
- HEEC: Enrolling and Engrossing
- HHGAC: Health, Government & Indian Affairs
- HJC: Judiciary
- HLC: Labor and Human Resources
- HPSC: Printing and Supplies
- HRC: Rules and Order of Business
- HTPWC: Transportation and Public Works
- HTRC: Taxation and Revenue

### SENATE COMMITTEES
- 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

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**Bill Introductions Through Wednesday, January 29, 2014**

**HB 28**  REGIONAL HOUSING AUTHORITY OVERSIGHT (Gonzales). Same as SB 11. HHGIC/HAFC

**HB 48**  MVD: COMMERCIAL DRIVER’S LICENSE RETESTING (Strickler). Same as SB 41. HTPWC/HJC

**HB 91**  UNATTENDED CHILDREN IN CAR PENALTIES (Gallegos, D.M.) Enacts new material to provide for penalties for persons who leave a child unattended in a motor vehicle. Leaving a child unattended in a motor vehicle consists of intentionally or knowingly leaving a child for longer than five minutes knowing the child is: 1) younger than ten years of age; and 2) not attended by an individual in the vehicle who is 14 or older. Effective 7/1/14. HCPAC/HJC

**HB 106**  ALBUQUERQUE PROBATION & PAROLE REENTRY PROGRAM (García, M.P.) Appropriates $50,000 from the general fund to the Local Government Division to allow the City of Albuquerque to contract with a community organization for a community reentry program that will provide job skills training and job placement services to persons who are completing or have completed probation and parole sentences who reside in certain neighborhoods in Albuquerque. HJC/HAFC

**HB 127**  MVD: TWO-TIERED DRIVER’S LICENSE SYSTEM (Pacheco). Amends §66-5-9. Applications for driver’s licenses shall contain a social security number, except for those ineligible for one; provides for certain driver’s licenses to be accepted by federal agencies for official federal purposes; limits the duration of driver’s licenses of foreign nationals; applications for driver’s licenses not intended to be accepted by federal agencies for official purposes shall require proof the applicant has: 1) been granted deferred action for childhood arrivals; 2) resided in New Mexico for six consecutive months; 3) completed a driver’s education course at a driver education school; and 4) provided proof of identity. Amends §66-5-15 to require the Department of Motor Vehicles to establish two distinct driver’s licenses. On or after July 1, 2014, a driver’s license shall meet federal requirements to be accepted by federal agencies for official federal purposes;
agencies for official federal purposes and shall contain a unique color and design that distinguishes the
driver’s license from those not intended to be accepted by federal agencies. Amends §66-5-44 to limit the
duration of driver’s licenses of foreign nationals. Amends §66-8-1.1 increases penalties for persons who
knowingly obtain a driver’s license and then transfers it to a person who is not lawfully entitled to one.
Enacts new material to provide that a driver’s license issued to a foreign national without a social security
number or proof of authorized presence in the US shall not be valid for ID purposes outside the exterior
boundaries of New Mexico. Effective 7/1/14. HLC/HJC/HAFC

HB 129  GRT: BORDER ZONE TRADE-SUPPORT (Garcia, M.H. & Papen). Amends §7-9-56.3 extending
the eligibility for the gross receipts tax deduction for trade-support companies in a border zone for seven
years. Effective 7/1/14. HTRC/HAFC

HTRC/HAFC

HB 146  SEVERANCE TAX FUND BONDING & PROJECT LIMITS (Harper & Sisneros). Amends §§7-
27-3.2; 7-27-10.1 & 7-27-12.5 sustaining the Severance Tax Permanent Fund by limiting the overall
bonding capacity for severance tax bonds and supplemental severance tax bonds; decreases the
percentage of the estimated severance tax bonding capacity allocated for water projects, colonias
infrastructure and tribal infrastructure projects. Amends §72-4A-9 to limit the percentage of Water Project
Adjudication Funds, allocated to the State Engineer for water rights adjudication, from ten to seven and
one-half percent; limits the percentage allocated to the Administrative Office of the Courts from 20% to
15%. Effective 7/1/14. HHGIC/HTRC/HAFC

HB 151  HEALTH CARE LIABILITY ACT (McMillian). Enacts the Health Care Liability Act. The Act limits
the aggregate noneconomic damages for claims against health care providers, that are not participants in
the state-sponsored Excess Insurance Program pursuant to the Medical Malpractice Act, to $300,000;
limits punitive damages to three times the aggregate amount of compensatory damages. HHGIC/HJC

HB 153  ELECTIONS: CONCURRENT MUNICIPAL & GENERAL ELECTIONS (McMillian). Amends §3-8-25 to allow municipal elections to be held concurrently with general elections. HRC

HB 155  LOCAL GOVT. HOLD HARMLESS GROSS RECEIPTS (Lundstrom). Same as SB 171.
HTRC/HAFC

HB 165  IRRIGATION DISTRICT ROADWAY TORT LIABILITY (McMillan). Same as SB 128.
HRC

HB 175  DWI: INCREASE PENALTIES FOR 4 OR MORE DWIS (Perea). Amends §66-8-102 increasing
penalties and mandatory periods of incarceration for 4th and subsequent offenses. The 4th conviction is
increased from a term of imprisonment of 18 months to 30 months; increases the time that shall not be
suspended or deferred from six months to 18 months. The 5th conviction increases the term of
imprisonment from two years to three years and the suspended or deferred time from one year to two
years. The 6th conviction is increased from 30 to 42 months and suspended or deferred time from 18 to 30
months. The 7th conviction is increased from three to four years and suspended or deferred time from two
to three years. An 8th or subsequent conviction becomes a second degree felony and the term of
imprisonment shall be 12 years, 10 of which shall not be suspended or deferred. Effective 7/1/14.
HJC/HAFC

HB 189  ADD A COUNTY TO INDIGENT HOSPITAL ACT (Rehm). Amends §27-5-4 expanding the
definition of “county” in the Indigent Hospital and County Health Care Act to include a Class A county
with a county hospital operated and maintained pursuant to a lease with a state educational institution
named in Article 12, Section 11 of the NM Constitution. HRC

HB 190  DWI: DRUG METABOLITE AMOUNTS (Rehm). Amends §66-8-102 making it unlawful to drive a
vehicle with certain amounts of controlled substances or metabolites in the blood; provides that an
ignition interlock requirement only applies to offenders with alcohol concentration in their blood or breath. Effective 7/1/14. HTPWC/HJC

HB 191  DWI: DRUG METABOLITE AMOUNTS (Rehm). Same as HB 190. HTPWC/HJC

*HB 192  MV: DRIVER’S LICENSES FOR FOREIGN NATIONALS (Rehm). Amends §66-1-4.10. Defines “lawful status” as the legal right to be in the United States as shown by valid documentary evidence that a person: 1) is a citizen or national of the US; 2) is an alien lawfully admitted for permanent or temporary residence in the US; 3) has conditional permanent resident status in the US; 4) has approved application for asylum in the US; 5) has a valid, unexpired nonimmigrant visa for entry into the US; 6) has a pending application for asylum; 7) has a pending or approved application for temporary protected status; 8) has approved deferred action status; 9) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the US. Amends §66-5-9 to require that an application by a foreign national with lawful status contains a unique identifying number of the person’s valid passport, visa or arrival-departure record or other documents issued by the federal government and the expiration date. Amends §66-5-21 to limit the issuance of driver’s licenses and ID cards to foreign nationals with lawful status. Provides for penalties for unlawful use of licenses. Enacts new material to provide for mandatory cancellation of driver’s licenses issued to a person without a social security number. EMERGENCY CLAUSE. HRC

HB 194  PERA: PUBLIC SAFETY EMPLOYEE RETIREMENT (Rehm). Amends §10-7-4 to require an affiliated public employer to pay 100% of the employee group insurance contributions, payable on or after July 1, 2014 and applicable to an injured public safety employee; these contributions shall be paid for the duration of the employee’s approved leave. Defines “public safety duty” as a function or duty performed by a public safety employee while on duty and under inherently dangerous circumstances; defines “public safety employee” as a member who retired from, or employed in a job covered under a PERA coverage plan and applies to a: 1) state police member and adult correctional member; 2) juvenile correctional officer; 3) municipal detention office; 4) municipal fire; 5) municipal police; or 6) peace officer. Amends §10-11-8. A retired public safety employee subsequently employed as an instructor at the NM Law Enforcement Academy or a state, local or municipal police, sheriff’s or firefighter training academy and who is paid less than or equal to $30,000 is not required to suspend their pensions; these employees and their employers shall not be required to pay the contributions under the applicable coverage plan. On or after July 1, 2014, a retired public safety employee may return to work without suspending their pensions if the employee is paid an amount not exceeding $60,000; the employee shall not accrue service credit and may not purchase service credit; the employer shall pay both the member and employer contributions required under the applicable member coverage plan; these contributions shall not be refundable. Effective 7/1/14. HRC

HB 205  STATE AUDITOR SMALL SUBDIVISION AUDITS (Salazar, N). Same as SB 4. HAGC/HAFC

HB 207  GRT: HEALTH CARE PRACTITIONER (Trujillo, J). Amends §7-9-93 to expand the types of receipts that may be deducted from gross receipts for commercial contract services and Medicare Part C services provided by a health care practitioner; receipts from copayments or deductibles paid to a health care provider may be deducted from gross receipts; redefines the definition of “health care practitioner”. Delays repeal of §7-9-93 to January 1, 2020. Effective 7/1/14. HHGIC/HTRC

HB 211  LINE OF DUTY INJURY ACT (Pacheco). New material creates the Line of Duty Injury Act that is to provide guidelines for, and encourage state, local and municipal public safety employers to develop policies and procedures to grant duty injury leave to public safety employees who sustain serious bodily injury as a direct result of aggressive action taken toward the public safety employee by another person or was sustained in an inherently dangerous situation which renders the employee absent from work on injury-related leave or workers’ compensation leave; a “public safety employee” is a commissioned or certified law enforcement officer, a firefighter, an adult correctional officer, a juvenile correctional officer, or a municipal detention officer. A governing body shall direct the applicable department to establish procedures, including duty injury leave application and granting procedures consistent with the Act in compliance with the department’s applicable workers’ compensation administration policy; the
procedures require several stipulations; provides for a review committee that shall review each case separately; the department chief may approve or deny each application for duty injury leave; public safety employees who apply for duty injury leave under false pretense or have misused duty injury leave are subject to disciplinary action pursuant to the department’s policy. Effective 7/1/14. HLC/HAFC

HB 212 SANTA FE LAW ENFORCEMENT-ASSISTED DIVERSION (Varela). Same as SB 176. HAFC

HB 213 RAISE MINIMUM WAGE (Varela). Amends §50-4-22 to raise the state minimum wage rate to $10.10 per hour; beginning January 1, 2015, the rate shall be adjusted upward by the consumer price index; the rate for persons making $30 a month in tips shall be $2.85 per hour subject to an annual adjustment based on the consumer price index. HRC

HB 223 CONVENTION CENTER FINANCING ACT DEFINITIONS (Gonzales). Amends §5-13-2; removes from the definition of “convention center” the words “and any facility.” HBIC

HJR 5 CA: BIENNIAL TAX CREDIT & DEDUCTION REPORT (Cote). Proposes to amend Article 8 of the New Mexico Constitution by adding a new section requiring a biennial report on the costs and benefits to the state from tax credits, deductions, exemptions and other tax expenditures. HTRC/HVEC

HJM 11 PROCUREMENT: BID & RFP TRAINING FOR STATE CONTRACTS (Garcia, R.) Requests the Secretary of General Services to develop guidance and secure qualified training for state employees and local public bodies on bids and requests for proposals for government contracts that will enable fair competition by New Mexico resident business and contractors. HBIC

HM 14 “CLAYTON YELLOWJACKETS DAY” (Roch). Recognize the Clayton yellowjackets football team for its historic state championship title.

HM 15 FORECLOSURE PROCESS TASK FORCE (Chasey & Padilla). The House of Representatives affirms its commitment to preserving due process rights guaranteed under the Home Loan Protection Act for all New Mexicans threatened with the loss of their homes through foreclosure; requests the United South Broadway Corporation to convene a task force to study the foreclosure process in New Mexico that includes itself and representatives from the following organizations: Tierra del Sol Corporation, the Independent Living Resource Center, the senior citizens law office, the NM Mortgage Finance Authority, representatives of veterans’ organizations, a representative from the NM Municipal League or NM Association of Counties and the Independent Community Bankers Association.

HM 23 “CITY OF SANTA FE DAY” (Egolf). Proclaims February 4, 2014 as “City of Santa Fe Day” at the House of Representatives.

HM 33 WATER WELL CAPPING MODEL ORDINANCE (Brown). Requests the New Mexico Municipal League to draft and distribute a model ordinance for municipalities to address capping abandoned water wells on private property. HCPAC

HM 34 “MCKINLEY COUNTY/GALLUP DAY” (Lundstrom). Proclaims January 30, 2014 as “McKinley County/Gallup Day at the House of Representatives.

SB 26 GRT: AIRCRAFT PARTS & MAINTENANCE (Cisneros). Same as HB 14

SB 28 GRT: DIALYSIS FACILITY SERVICE (Cisneros). Same as HB 32.

SB 30 SEPARATE REPORTING OF TAX EXPENDITURES (Keller, McCamley). Amends §7-1-10; a person who reduces the person’s tax liability by using a tax expenditure approved by the Department of Taxation and Revenue, pursuant to any provision of law to which the Tax Administration Act applies,
shall separately state each expenditure on the person’s return. The secretary shall promulgate rules to implement these provisions. SCC/SCORC/SFC

SB 31 LOCAL GOVERNMENT PLANNING FUND (Papen). Appropriates $2 million from the Public Project Revolving Fund to the Local Government Planning Fund to make grants and loans to evaluate the costs of implementing the most feasible alternatives for infrastructure, water or wastewater public projects or to develop water conservation plans, long-term master plans, economic development plans or energy audits and to pay the administrative costs of the Local Government Planning Program. Effective 7/1/14. SCC/SPAC/SFC

SB 91 WATER CATCHMENT SYSTEM FINANCING DISTRICT ACT (Wirth). New material authorizes the governing body of a municipality or county to form a district for the purpose of encouraging, accommodating and financing water catchment improvements on municipal or county property; a district shall only include property for which an owner executes an agreement consenting to the inclusion of the property within the district and to the imposition of a special assessment on the property for the purpose of financing water catchment systems. Governing bodies may adopt a resolution declaring intention to form a district, and after a public hearing, may pass an ordinance creating a district; the district shall be governed by a district board composed of members of the governing body or five directors appointed by the governing body; property owners must agree to inclusion to the district; the board may impose special assessments on property within the district to facilitate financing of water catchment improvements to the property; a district may issue bonds to provide for improvements; provides for election of board members and for the dissolution of a district. SCC/SCONC/SJC/SFC

SB 100 IRRIGATION & CONSERVANCY DISTRICT WAIVER OF IMMUNITY (Papen). The liability for which immunity has been waived subject to the Tort Claims Act shall not include liability for damages caused by the following: all irrigation and conservancy districts and their public employees acting lawfully and within the scope of their duties that authorize any part of their property to be used as a road available for use by the general public by a state agency or local body are excluded from the waiver of immunity under the Tort Claims Act for damages arising out of the operation and maintenance of such roads available for use by the general public if the irrigation or conservancy district has entered into a written agreement with the state agency or local public body operating or maintaining such a road and that state agency or local public body has agreed to assume the operation and maintenance of that portion of the district’s property used for such a road; provided that the state agency or local public body operating or maintaining the road available for use by the general public be subject to liability as provided in the Tort Claims Act. SCC/SCONC/SJC

SB 117 SOLE MEMBER LLC TAX STATUS (Wirth). Amends §§7-9-15, 29, 60; for purposes of gross receipts and compensating taxes, the Taxation and Revenue Department shall deem a limited liability company whose sole member is an organization described in Section 501 (C) (3) to have been granted the same tax exemption as its sole member; same exemption applies to governmental gross receipts. Effective 7/1/14. SCC/SCORC/SFC

SB 118 DETERMINE SOURCING OF CERTAIN SALES & SVCS. (Wirth). Amends §7-4-18. For the purpose of determining the sales factor in this state, sales are considered in this state if the sales are from the: 1) sale, rental, lease or license of real property in the state; 2) rental, lease or license of tangible personal property located in the state; 3) sale of a service and the service is delivered in the state; and 4) sale, rental, lease or licensee of intangible personal property used in the state. If the state or states of assignment cannot be determined, the state or state of assignment shall be reasonably approximated; if the taxpayer is not taxable in a state which a sale is assigned or if the state of assignment cannot be determined or approximated, the sale shall exclude from the numerator and denominator of the sales factor; applies to taxable years beginning on or after January 1, 2015. SCC/SCORC/SFC

SB 126 PROCUREMENT: MEDICAID AUDITS, FRAUD REVIEW (O’Neill). The bill addresses several aspects of Medicaid Audits and fraud prevention; amends §13-1-127 that states emergency procurements shall not include the services of a person that conducts an audit of a person operating under contract with
the Human Services Department to provide treatments, goods or services pursuant to Title 19 or 21 of the federal Social Security Act or a waiver of that Act. SCC/SPAC/SJC

**SB 128** RUIDOSO FLOOD DAMAGE FUNDING MATCH – GF (Griego). Appropriates $9,159,000 from the General Fund to the Homeland Security and Emergency Management Department for expenditure in fiscal years 2015 through 2019 to plan, design and construct improvements to the wastewater infrastructure in Ruidoso that was damaged by the 2008 severe flooding within the village limits and as required by the presidential declarations of emergency and the Federal Emergency Management Implementation Plan. EMERGENCY CLAUSE. SCC/SCORC/SFC

**SB 133** INTEROPERABILITY PLANNING COMMISSION MEMBERS (Padilla). Amends §12-10D-3 to add the following to the Interoperability Planning Commission: the president of the Albuquerque local chapter of the International Association of Firefighters or a designee; the president of the Albuquerque Police Officers Association or designee; and the president of the New Mexico State Police Association or designee; the executive director of the New Mexico Municipal League is already a member of the Commission. SCC/SRC/SPAC

**SB 135** RETIREE HEALTH CARE CONTRIBUTION RATES (Muñoz). Same as HB 27.

**SB 140** TAX INCREMENT DISTRICT BASE-YEARS (Ivey-Soto). New material: prior to revising the base year that the district uses to determine its gross receipts tax increment, the district board shall: 1) adopt a resolution declaring that intent; and 2) no later than 15 days after adopting the resolution, forward copies of the resolution to the Taxation and Revenue Department, the Department of Finance and Administration, and the governments that have dedicated a tax increment to the district; the state agencies and governments have 15 days to submit comments to the district; the district must submit the resolution and all comments to the State Board of Finance within 45 days; the Board may approve the revision of the increment: 1) once during the lifetime of the district; 2) if the revised year is a calendar year that is completed; 3) if no gross receipts tax increment bonds have been issued; and 4) upon a finding that the revision is reasonable and in the best interest of the state. Upon approval of the revision, the district shall: 1) return to the Taxation and Revenue Department any gross receipts tax increment collected between the time the revenue collection began and the beginning of the revised base; 2) update the district tax increment development plan to reflect the revision; and 3) file with the clerk of the governing body that formed the district the revised development plan. EMERGENCY CLAUSE. SCC/SCORC/SFC

**SB 147** GAS TAX FOR U.S. HIGHWAY 491 PROJECTS (Pinto). New material creates the Highway 491 Project Fund; imposes an additional $.01 per gallon gas tax dedicated to the new fund beginning July 1, 2014 through June 30, 2019; new tax applies to special fuels sold in the state for a 15-year period ending 2029; authorizes issuance of bonds on the proceeds of the tax. Effective 7/1/14. SCC/SCORC/SFC

**SB 154** MV: EXTRA LICENSE PLATES FOR PURPLE HEARTS (Sharer & White). Authorizes a veteran who is the recipient of more than two Purple Heart medals to receive an additional special registration plate for each award of the medal; no fee is to be charged for the plates. SCC/SPAC/SCORC

**SB 162** CAPITAL OUTLAY PLANNING & MONITORING ACT (Cisneros). New material creates the Capital Outlay Planning and Monitoring Act; defines capital project; creates the Capital Outlay Planning and Monitoring Division within the Department of Finance and Administration whose duties include: directing capital planning for the executive branch; coordinate with the New Mexico Finance Authority and Mortgage Finance Authority and federal agencies that provide funding; oversee all state-funded capital projects; develop procedures to ensure current and complete accounting reporting on state-funded projects; provide training and assistance to eligible entities on planning and budgeting; creates the Capital Outlay Planning Council whose members include cabinet secretaries of several state agencies and representatives of other state agencies. Requires the new Division, in conjunction with the Council, to develop a five-year state capital improvements plan; requires the new Division to publish capital project guidelines for eligible entities seeking funding for any project: the guidelines shall require a state agency or local government requesting funding to have a completed current audit approved by the State Auditor; appropriates $1.2 million from the General Fund for the following: 1) $1 million to the Department of

Finance and Administration to organize and staff the new Division; and 2) $200,000 to the State Auditor to cover costs of audits and review of local governments that are unable to comply with the state audit requirements. Repeals §6-4-1 NMSA 1978. Effective 7/1/14. SCC/SRC/SFC

SB 168 LEGAL & ECONOMIC RAILROAD SERVICE ANALYSIS (Campos). Same as HB 117. SCC/SCORC/SFC

SB 170 REDUCTION IN HOLD HARMLESS GROSS RECEIPTS (Muñoz). Same as HB 114. SCC/SCORC/SFC

SB 171 LOCAL GOVT. HOLD HARMLESS GROSS RECEIPTS (Muñoz). Authorizes a Class B county with a population of 70,000 or more and a property valuation of more than $730 million but less than $1 billion to be regarded as a hold harmless county like those counties with populations of 48,000 or less. Effective 7/1/14. SCC/SCORC/SFC

SB 172 SPACEPORT GROSS RECEIPTS TAX USES (Muñoz). Amends several sections; proceeds of the County Regional Spaceport Gross Receipts Tax that are received by a district after July 1, 2014, but that were dedicated to the district prior to July 1, 2014, shall be only used to pay principal and interest on bonds issued pursuant to the Spaceport Development Act to which the proceeds have been pledged, for acceleration of the payment of principal and interest on those bonds, or to retire or discharge that bond debt prior to the original term of the bond. Effective 7/1/14. SCC/SCORC/SFC

SB 175 GRT: SOFTWARE DEVELOPMENT SERVICES (Beffort). Amends §7-9-57.2 to add to the definition of software development services the following: “design, development, programming, testing or the deployment of non-tangible custom software or customized adaptation of commercially available software for data processing applications, software integration, digital imaging, digital design, graphics, electronic messaging, mobile applications, web sites, graphical user interfaces, artificial intelligence or data storage and retrieval; does not include training and computer support services.” Effective 7/1/14. SCC/SCORC/SFC

SB 176 SANTA FE LAW ENFORCEMENT-ASSISTED DIVERSION – GF (Rodriguez). Appropriates $200,000 from the General Fund to the Local Government Division for general support for law enforcement-assisted diversion in Santa Fe. SCC/SJC/SFC

SB 184 GRT: U.S. DEPARTMENT OF ENERGY DEDUCTION (Muñoz). Same as HB 45. SCC/SCORC/SFC

SB 185 ELEVATOR PERMITTING STANDARDS (Griego). New material defines elevators and “standards” as those of the American Society of Civil Engineers’ Safety Codes for elevators and escalators; by January 1, 2015, the owner or lessee of every existing elevator (presumably includes those owned or leased by political subdivisions) shall register with the director of the Construction Industries Division of the Regulations and Licensing Department and provide the type of elevator, its load and speed, the name of the manufacturer, its location, the purpose for which it is used and any additional information the director requires; all elevators shall be registered at the time they are completed and placed in service; owners shall ensure that maintenance and service comply with all laws, rules and ordinances, including fire and building codes; elevators are required to have permits and comply with all applicable standards; permits may be revoked for false statements or misrepresentations; the term of the permit shall expire no later than six months after the date of issuance and the permit may be extended by the director for six months; a person in violation of any provision is subject to a fine of not more than $1,500 or be imprisoned for 30 days, or both. SCC/SJC/SFC

SB 190 INCREASE FIREFIGHTER SURVIVOR BENEFITS (Woods). Amends §10-11B-5 to increase firefighters’ supplemental death benefits from $50,000 to $250,000 for surviving spouses or children of a firefighter killed in the line of duty. Effective 7/1/14. SCC/SPAC/SFC
SB 198  **PUBLIC MONEY WATER PROJECT CHANGES** (Sanchez, M.). This 93-page bill makes several changes regarding the process by which water projects are applied for, evaluated, prioritized, recommended and funded with public money; requires all state agencies that fund or administer water projects to participate in the water project process; requires water project applications to be evaluated pursuant to the State Water Plan and the State Water Capital Plan. The bill makes several changes to funds used to finance water projects. Repeals §§72-4A-5.1 and 72-4A-6 NMSA 1978. Effective 7/1/14. SCC/SRC/SCONC/SFC

SB 201  **SUNSHINE PORTAL CONTRACTS** (McSorley). Amends §10-16D-3; in case of a contract that has a value of $20,000 or more, the following information is to be posted on the state’s Sunshine Portal: 1) a description of the contract; 2) the name of the agency entering into the contract; 3) amounts paid; 4) total project cost; 5) names of all contractors and subcontractors, their services and hourly wages; amends §13-1-170 to require a state agency or local public body with the power to issue regulations to require that contracts include a clause requiring contractor to maintain records relating to the contract and those records are subject to the Inspection of Public Records Act; requires a clause providing a meeting between the contractor and a policymaking body of an agency or local body that is subject to the Open Meetings Act. New material requires a state agency or local public body prior to entering into a contract to replace existing services to conduct a financial analysis of providing services by an independent contractor with continuing the services by public employees; if the analysis reveals a cost savings of more than 10 percent, allows the employee or employee’s union representative to review the analysis and make recommendations for cost savings to make the contract unnecessary; the agency or local body is to conduct an analysis of the external costs, including impacts on employment, local income, social services and impacts on local residents and the analysis shall be posted on the state agency or local body’s website. The bill requires the prospective contractor to swear under oath that they are in compliance with all state and federal laws and requires the contractor to pay employees at least the same wage as the public employees received prior to the contract; an invitation to bid shall: 1) not guarantee an occupancy rate; 2) not prohibit the agency or local body from building, maintaining or improving public infrastructure; 3) not penalize the agency or local body if the contractor loses revenue or does not meet revenue projections; and 4) provide that any increase in fees or charges allowed for the public service be approved by the agency or local body. SCC/SPAC/SJC

SB 209  **COUNTY ROAD SPEED LIMIT** (Woods). Amends §66-7-301 to set the maximum speed limit on a county road without a posted speed limit at 55 miles per hour. Effective 7/1/14. SCC/SCORC/SJC

SB 211  **WORKERS’ COMP PAYMENT FOR INTENT OR DRUG USE** (Moore). Same as HB 113. SCC/SCORC/SJC

SB 217  **COUNTY HOLD HARMLESS GROSS RECEIPTS** (Muñoz). Same as SB 171. SCC/SCORC/SFC

SB 221  **CREATE SOUTHWEST CHIEF RAIL SERVICE FUND** (Campos). New material creates the Southwest Chief Rail Service Fund; money in the fund shall be used solely for acquisition of rights-of-way or planning, design, engineering, construction or improvement of railroad track and infrastructure within New Mexico used by the Amtrak Southwest Chief; no funds shall be expended until the states of Colorado and Kansas establish similar funds to maintain the tracks within their jurisdictions and the Department of Transportation has entered into a binding agreement with Amtrak and both states to maintain the Southwest Chief service through 2055; appropriates $4 million to the fund. SCC/SCORC/SFC

SB 222  **GRT: PRE-KINDERGARTEN PROVIDERS** (Smith). New material makes receipts of for-profit pre-kindergarten providers exempt from the gross receipts tax. Effective 7/1/14. SCC/SEC/SCORC/SFC

SB 228  **GAS TAX INCREASE, INDEX & DISTRIBUTION** (Smith). Amends §§7-1-6.39, 7-13-3, 7-16A-3; beginning July 1, 2019, distributions to the local government road fund shall be 13.4 percent of the Gasoline Tax and 19.23 percent from the Special Fuels Tax; increases the Gas Tax as follows: between 2019 and 2020 - $.22; between 2020 and 2021 - $.24; between 2021 and 2022 - $.26; between 2022 and 2023 - $.28; between 2023 and 2024 - $.30; and after 2024, the rate is to be determined by a formula
indexed to the price index for non-residential construction and the consumer price index. Raises the tax on special fuels as follows: between 2019 and 2020 - $0.26; between 2020 and 2021 - $0.28; between 2021 and 2022 - $0.30; between 2022 and 2023 - $0.32; between 2023 and 2024 - $0.34; and after 2024, the same formula as applies to the gas tax applies to the special fuels tax. Effective 7/1/14. SCC/SCORC/SFC

SJR 13  **CA: ANNUALLY INCREASING THE MINIMUM WAGE (Martinez, R.)** Proposes to amend Article 20 of the New Mexico Constitution to annually adjust the minimum wage based on the cost of living; the minimum wage shall not be adjusted downward; an employer may pay an employee less than, but not less than 60 percent of, the minimum wage if the employee receives tips that when combined with the wages paid by the employer are equal to or greater than the minimum wage for all hours worked. SRC/SJC

SJR 14  **CRIMINAL RECORDS EXPUNGEMENT (Sanchez, M.).** Proposes to amend Article 2 of the New Mexico Constitution by adding the following: a person who is a victim of identity theft or is wrongfully arrested, indicted or charged for any crime; who has been released without conviction for a violation of a municipal ordinance, petty misdemeanor, misdemeanor or felony; or who has been convicted of one or more petty misdemeanors, misdemeanors or violations of a municipal ordinance arising out of one incident and has no other convictions after completion of the sentence shall have a right to petition to have the arrest records and public records pertaining to the person’s arrest expunged; the crimes that are subject to expungement, exceptions to the right of expungement and the process required to expunge one’s records shall be as provided by law. SRC/SJC

SJM 17  **BID & RFP TRAINING FOR STATE CONTRACTS (Neville).** Requests the Secretary of General Services to develop guidance and secure qualified training for employees of state agencies and local public bodies by persons experienced with the specifications and contractual terms in bids and requests for proposals that will not impede and will enable fair competition by New Mexico resident businesses and contractors for government contracts; if a New Mexico resident business or contractor is a vendor on a statewide price agreement, the Secretary of General Services shall identify the resident business or contractor on the agreement and on any vendor list maintained by the purchasing division. SRC/SCORC

SM 11  **FORECLOSURE PROCESS TASKFORCE (Padilla).** Same as HM 15. SRC/SJC

SM 12  **LAS VEGAS DAY IN THE SENATE (Campos).** Declares January 23, 2014 “Las Vegas Day “in the Senate; celebrates the contributions of the Behavioral Health Institute, New Mexico Highlands University, Luna Community College, United World College, Las Vegas city schools and West Las Vegas school district; expresses support for Las Vegas in its efforts to resolve its water crisis by expanding Bradner Reservoir and dam. President’s Table

SM 20  **“CITY OF SANTA FE DAY” (Wirth).** Declares February 4, 2014 as “City of Santa Fe Day” in the Senate. President’s Table

SM 26  **ELECTRIC COOPERATIVE ACCESS FEES (Martinez).** Requests the Public Regulation Commission to maintain policies consistent with a fair and reasonable methodology for the allocation of access fees, charges and trespass fines paid by the electrical distribution cooperatives to any governmental entity, including Indian nations, tribes and pueblos; in establishing a uniform rule and methodology, the Public Regulation Commission is requested to consult with management and members of the cooperatives as well as Indian nations, tribes and pueblos. SRC/SJC

SM 41  **NORTHEASTERN NM WATER SUPPLY ISSUES (Campos).** Requests the Office of the State Engineer, the Interstate Stream Commission and water stakeholders in northeastern New Mexico study ways of addressing water shortage issues in northeastern New Mexico, including identifying potential water sources outside of the region and the possibility of developing a pipeline or some other large-scale regional water project to bring water to the area. SRC/SCONC