

LEGISLATIVE BULLETIN

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Tough Choices Ahead

Raise taxes? Cut budgets? Layoffs? Furloughs? No capital outlay? These are some of the questions being asked around the Roundhouse as the Second Session of the 48th Legislature convened at noon on Tuesday in Santa Fe. Many lawmakers have stated publicly that this session “will not be fun.” Governor Bill Richardson, in his eighth and final State of the State address, laid out several fixes that would help the state weather a projected \$500-\$600 million budget deficit. These included further budget cuts and the possibility of a temporary tax increase, one which would expire during better fiscal times. However, the Governor did not specify which taxes would be subject to the increase. Lawmakers are now faced with the prospect of either raising taxes, cutting more government positions or a combination of other proposals.

In addition to the budget problems facing this legislative session, the Governor also put a wide ranging number of issues on his “call.” These include domestic partnerships, toughening DWI penalties, enhanced penalties for gang related offenses, uniform police reports, increasing the fees for DWI-related chemical tests and including all public officers and employees of political subdivisions to come under the auspices of the Governmental Conduct Act.

Another issue that has been debated is the issue of return to work. The Governor put this on his call and will try to amend current statute to limit the practice of retired state and local employees from returning to public positions and continuing to receive their pensions.

Due to the large number of additional issues on the Governor’s call (at press time more than 40 topics), many in the Roundhouse wonder if the 30-day legislative session will have the time to address all the issues, plus deal with the 600 pound gorilla budget issue.

In light of the serious statewide budget problem, the League’s Board of Directors in October adopted the position of maintaining current funding sources and levels. The Board also reaffirmed the League’s position of opposing any preemption of local taxing authority. In adopting this position, the Board recognizes the state’s budget deficit issues, but also emphasizes local governments’ need to preserve current funding sources in order to provide local services.

Other League priorities this year include seeking passage of a Constitutional Amendment to allow a municipal judge to be a member of the Judicial Standards Commission and supporting the passage of the \$18 million General Obligation Bond for libraries. The Board also endorsed the idea of allowing the Municipal Capital Outlay Gross Receipts Tax to be imposed without first having imposed all increments of the other local option Gross Receipts Taxes.

The League Board of Directors and staff are well aware of the problems facing the 2010 legislature, and will make a concerted effort to work together with legislators as they tackle the issues before them.

Our 2009-2010 Annual Resolutions and Statement of Municipal Policy are posted on our web site under **Legislation/Advocacy**. Please check our web site at www.nmml.org. A cumulative summary of introduced legislation will be published on Fridays as *The Legislative Bulletin*.

And don’t forget to mark your calendar for the League’s Annual Municipal Day scheduled for Friday, February 5 at La Fonda Hotel in Santa Fe. You can register to attend at our web site.

LEAGUE OFFICE PARKING DURING THE SESSION

Because of the demand for parking around the Capitol during the session, we must protect the availability of parking for our municipal officials and staff. In order to reduce the possibility of accidents, a few areas in our lots are designated by signs as “NO PARKING” AREAS.” If you are visiting the session and need to park in the League lots, please help us by observing the following rules:

- 1. Do not park in the areas designated as “NO PARKING” zones.*
 - 2. Obtain a League Parking Permit from the reception desk and leave it on the rear-view mirror of your car so that it’s easily visible.*
 - 3. DOUBLE PARKING OR PARKING BEHIND ANOTHER CAR IS NO LONGER PERMITTED IN OUR LOTS.*
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YOUR LEGISLATIVE BULLETIN

This is the first in the series of weekly League **Legislative Bulletins** designed to communicate with municipal officials, legislators and the Executive Branch of state government.

The **Bulletin** will be sent by first class mail from Santa Fe each Friday afternoon so that it should arrive at its destination by the following Monday morning.

If you would like to receive the Bulletin electronically, we will send you a link by email each Friday. You can contact Roger Makin via e-mail (rmakin@nmml.org) or by fax (505-984-1392). Please be sure to include your name, title, municipality or agency, mailing address, and e-mail address. The Bulletin will also be posted each Friday on the League’s website at www.nmml.org/legislation-advocay. 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://legis.state.nm.us>. Also check the League’s web site (www.nmml.org) for League information.

CAPITAL PROJECT FUNDING BILLS

Capital outlay project requests in recent years have not been introduced as legislative bills, but submitted as “capital outlay requests.” All approved requests are then included in a major capital outlay bill for final passage.

In past years we have reported these requests as we received the printed copies. The legislature will track all capital outlay requests electronically only. Therefore, we are no longer able to report the requests for you as we had in the past. However, the good news is that all requests will be listed on the legislative web site at legis.state.nm.us (click on Bill Finder on the left, then on Capital Outlay). Each request is listed under the appropriate county and then alphabetically by title and includes the description of the request along with the dollar amount. Legislative Council Service will be updating the information every Tuesday and Friday evenings so the new introductions will be available for you early on Wednesdays and Saturdays. We checked the site today and think you will find it an easy way to find your special projects. As always, you can contact your legislators directly to find out when your project will be scheduled for hearing.

BIOGRAPHY OF A BILL

A bill is introduced by a sponsoring legislator on the floor of either house, numbered by the clerk and referred for consideration to one or more committees of that house. The deadline for introduction of all bills except appropriations bills or bills requested by the Governor (*special messages*) is Noon on the 15th day of a 30-day session (**February 3**).

Committee recommendations usually determine the success or failure of a bill. A bill may be amended in committee or on the floor at any point in the process — sometimes changed so severely that its own author would not recognize it — or a substitute measure with the same number and general subject matter may be put in its place.

If you are very interested in a particular bill, do not be dismayed if it seems to sit for a long time in committee, particularly in a tax, finance or appropriations committee. Bills which ask for money or for taxing authority often lie dormant until the last few days of a session and then move with unbelievable speed.

If a bill passes successfully through its committee referrals, it returns to the floor of the house in which it was introduced for floor consideration. If it passes that house, it goes to the other house. However, it may also be tabled, referred again or defeated.

In the second house the bill is again considered in one or several committees and it may again be amended or substituted. If it gets through its committee assignments, it returns to the floor of that house for consideration and may from there be referred, tabled, passed or defeated.

If the bill passes the second house and it has been amended or substituted by the second house, the originating house must concur or fail to concur with the changes. If the originating house fails to concur, a conference committee representing both houses is appointed to decide what to present to both houses for acceptance.

A bill that has been passed in some agreed-upon form by both the House and the Senate goes to the Governor for signature. The Governor may choose to sign or to veto the bill. If the bill contains an appropriation, the Governor may veto portions if he wishes (*line item veto*); if it does not, he may only veto the entire bill. If vetoed, 2/3 of the House and 2/3 of the Senate must vote in favor of the bill in order to override the veto. If the veto override fails, the bill is dead.

Most bills do not reach the Governor's desk before the Legislature adjourns (**Noon, February 18**). The Governor has 20 days following the close of the session (**Noon, March 10**) to sign, veto or fail to sign (*pocket veto*) any bill that he did not act on during the session. Any bill is much more likely to have died in committee or on the floor before even reaching the Governor's desk.

In New Mexico, no more than 1/4 to 1/3 of bills introduced ever make it all the way to enactment. The historic trend in New Mexico is for more and more introductions each succeeding session.

ABBREVIATION CODE

HB	House Bill	SB	Senate Bill
HCR	House Concurrent Resolution	SCR	Senate Concurrent Resolution
HJR	House Joint Resolution	SJR	Senate Joint resolution
HJM	House Joint Memorial	SJM	Senate Joint Memorial
HM	House Memorial	SM	Senate Memorial

* Contains Emergency Clause (effective immediately on Governor's signing)
CA - Constitutional Amendment (requires approval by statewide electorate)

HOUSE COMMITTEES	HVEC Voters and Elections
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 and Government 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
	SWMC Ways and Means

Bill Introductions Through Wednesday, January 20, 2010

- *HB 10 PROHIBIT CELL PHONES WHILE DRIVING. (A. Lujan & MJ Garcia).** Enacts 2 new sections; amends §66-8-116, 119. Prohibits the use of a mobile communication device (cell phone) by vehicle drivers and train operators; “mobile communication device” is a wireless, two-way communications device that is designed to receive and transmit voice, text or image communication; violation is a petty misdemeanor subject to a set fine of \$200 upon conviction; includes the violation as a penalty assessment; all revenue from penalty assessments goes to the Interlock Device Fund; provides for the following exceptions: if there is no other person in the motor vehicle capable of doing so, a person may use the phone to report illegal activity; summon medical or other emergency help; or to prevent injury to a person or property. Drivers may use the cell phone when in an authorized emergency or law enforcement vehicle, while lawfully parked, when using hands-free equipment except for drivers in public or school transportation systems. Drivers of vehicles used in public or school transportation systems operated by the state or a local authority may use a cell phone in ordinary course of business as required by the transportation system. Preempts local authorities, including home rule municipalities, from regulating use of cell phones and supersedes any law, ordinance or other rule that has been enacted. EMERGENCY CLAUSE. HTPWC/HBIC
- HB 15 CREATE EASTERN NM WATER UTILITY AUTHORITY (Crook).** Establishes the Eastern New Mexico Water Utility Authority that includes Curry County, City of Clovis, City of Portales, City of Texico, Town of Melrose, Town of Elida and Village of Grady. HRC
- HB 16 PERA: RETIREMENT BENEFICIARY DE-SELECTION OPTION (Trujillo & Sapien).** Amends §10-11-116 to authorize a retired member receiving a pension with a designated survivor pension beneficiary other than the retired member’s spouse or former spouse to exercise a one-time irrevocable option to de-select the designated beneficiary and elect to designate another survivor pension beneficiary, provided that the retired member has no option to change the current form of payment; and, the amount of the pension shall be recalculated and have the same actuarial present value, or have future payments made under form of payment A. HRC
- HB 17 NO DOMESTIC VIOLENCE OFFENDERS AS POLICE (Cote & MJ Garcia).** Amends §29-7-6 & 13; prohibits a person convicted of the crime of domestic violence as defined in the Crimes Against Household Members Act or their equivalents in another jurisdiction within the past three years from applying for law enforcement certification; authorizes the New Mexico Law Enforcement Academy Board to refuse to issue or to suspend or revoke a person’s certification for the same offense. Effective 7/1/10. HCPAC/HJC
- HB 18 STATE TRAIL LAW ENFORCEMENT AUTHORITY (Cote).** Provides for law enforcement authority for the State Parks Division on state trails that are contiguous to a state park; provides that the state park law enforcement officers have the authority, concurrent with any other law enforcement entity with jurisdiction; makes other changes relating specifically to state trails and establishes a State Trails Systems Fund. HRC
- HB 25 MV: ONLINE AND TELEPHONE DRIVER’S LICENSE RENEWALS (Cote).** Amends §66-5-21 to authorize issuance of a driver’s license for a four or eight year period, provided that the applicant will not reach the age of 75 within four years from the date of issuance and the driver otherwise qualifies for a four-year driver’s license; the license expires 30 days after the applicant’s birthday in the fourth or eighth year from issuance; authorizes a person to renew a driver’s license by telephone, mail or on-line at the Department’s website; authorizes the same renewal procedures for a four-year identification card. HRC
- HB 30 GRT: CAPITAL OUTLAY GROSS RECEIPTS RESTRICTIONS (Trujillo).** Amends §7-19D-12 and §7-20E-21 to remove the requirement that all increments of the other local option gross receipts taxes be implemented prior to implementing the Capital Outlay Gross Receipts Tax in municipalities and counties. Effective 7/1/10. HHGAC/HTRC

- HB 34 LIQUOR SURTAX TO SCHOOL FUND (Egolf).** New material creates a “liquor surtax” equal to 2.5 percent of the retail price of alcoholic beverages sold; the surtax is to be credited to the public school fund. Effective 7/1/10. HBIC/HTRC
- HB 35 CIGARETTE TAX INCREASE AND DISTRIBUTION (Egolf).** Amends §7-1-6.1. Increases the excise tax on cigarettes by 5 cents per cigarette and tobacco products from 25% to 40% of the product value; reduces the percentage of distribution to municipalities and counties accordingly, holding them harmless; distributes the revenue attributable to the increase to the Public School Fund. Effective 7/1/10. HBIC/HTRC
- *HB 38 PUBLIC PROJECT REVOLVING LOAN FUND PROJECTS (Lundstrom).** Authorizes the New Mexico Finance Authority to make loans from the Public Project Revolving Fund for the following municipal projects: **Artesia:** building, equipment, infrastructure, special assessment district, public improvement district, refinancing, water rights and land acquisition; **Causey:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste; **Clayton:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste; **Deming:** building, equipment, infrastructure, road, land acquisition, water, wastewater and solid waste; **Des Moines:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste; **Dora:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste; **Estancia:** debt refinancing projects; **Lovington:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste; **Melrose:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste; **Mesilla:** building, equipment, infrastructure, water and wastewater; **Moriarty:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste; **Raton:** building, equipment and infrastructure; **Rio Rancho:** equipment, building, infrastructure, land acquisition and special assessment district projects; **Ruidoso Downs:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste; **San Jon:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste; **Socorro:** building, equipment, infrastructure, water, wastewater, water rights and land acquisition; **Texico:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste; **Tucumcari:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste; **Vaughn:** building, equipment, infrastructure, debt refinancing, road, land acquisition, water, water rights, wastewater and solid waste. EMERGENCY CLAUSE. HHGAC/HTRC
- *HB 40 WATER INFRASTRUCTURE PROJECT AGENCY CHANGE (Lundstrom).** Voids the authorization to the Water Project Fund held at the NMFA for a City of Gallup water project; appropriates the unexpended proceeds to the Environment Department for the City of Gallup for a water project in McKinley County. EMERGENCY CLAUSE. HENRC/HTRC
- HB 42 GRT: MUNICIPAL ENVIRONMENTAL SERVICE GROSS RECEIPTS (R. Martinez).** Amends §7-19D-10. Increases the percentage authorized for municipalities to impose the Municipal Environmental Gross Receipts Tax from 1/16% to 1%. Requires the tax to be imposed in increments of 1/16%. HHGAC/HTRC
- HB 43 STATE ETHICS COMMISSION ACT (MH Garcia).** Establishes a State Ethics Commission that shall investigate complaints alleging ethics violations against state officials, state employees, government contractors and lobbyists; ethics violations are actions in violation of the Gift Act, Governmental Conduct Act, Procurement Code, Lobbyist Regulation Act, Financial Disclosure Act, Campaign Reporting Act or a code of ethics adopted by this Act; the definition of a “lobbyist” does not include an elected or appointed officer of the state, a political subdivision or tribe acting in their official capacity, or a state employee or employee of a political subdivision specifically designated by an elected or appointed officer who appears before a legislative committee or rulemaking proceeding only to explain the effect of legislation or a rule on their agency; however, employees so designated must file their designation with the Secretary of State and make it available for public inspection. By January 1, 2013, the State Ethics

Commission is required to submit a report to the legislature and Governor regarding the extension of Commission jurisdiction to elected and appointed officials and employees of political subdivisions; appropriates \$500,000 to carry out provisions of the Act; applies to conduct after July 1, 2010. Some provisions of the Act are effective 7/1/2010, some on 1/1/11. HCPAC/HJC/HAFC

- HB 46 DWI CHEMICAL TEST FEES (Rehm).** Amends §31-12-7. Increases the DWI crime lab fee assessed by the courts to defray costs of chemical and other tests from \$65 to \$85 per conviction. Effective 7/1/10. HCPAC/HJC/HTRC
- HB 48 EMS: NATIVE AMERICAN EMERGENCY MEDICAL SERVICES (Begaye).** Amends the Emergency Medical Services Fund Act to add tribes to those eligible for the EMS funds; also authorizes tribes to participate in mutual aid agreements; changes the name of the Public Health Division to Epidemiology and Response Division. HCPAC/HAFC
- HB 49 FIRE PROTECTION FUND: NATIVE AMERICANS (Begaye).** Amends the Fire Protection Fund Act to add tribes to those eligible for distributions from the Fire Protection Fund; amounts distributed to a tribe shall be expended under the direction of the chief executive of the tribe or the chief executive's designee; requires tribes seeking money to enter into a joint powers agreement with the State Fire Marshal; the JPA shall state the proper jurisdiction and procedure to recover any money distributed from the Fund for purposes not expressly authorized by statute or state rules; provides for return of equipment and reversion of monies to the State Fire Marshal should a tribal fire department go out of existence; adds a tribal representative to the Fire Protection Grant Council. HRC
- HB 50 GRT: INTERNET SALES (Chavez).** Amends §7-9-3.3 to delete the definition of "engaging in business" from current law; amends §7-9-5: for purposes of gross receipts tax, establishes a presumption that a person with a business with no physical presence in NM is presumed to be engaging in business in NM and has nexus with the state for purpose of due process and interstate commerce of certain internet sales.if: 1) that person enters into an agreement with a resident of the state under which the resident directly or indirectly refers potential customers, whether by link or an internet web site to that person; and 2) the cumulative gross receipts from sales by that person to customers in the state are in excess of \$10,000 during the preceding 12 month period ending on June 30 of any year. The presumption of nexus established in this section may be rebutted by proof that the resident made no solicitation in the state that would satisfy the nexus requirements of the US constitution on behalf of the person presumed to be engaging in business in NM. HBIC/HTRC
- *HB 56 NMFA WATER FUND PROJECTS (Nunez).** Authorizes the NM Finance Authority to make loans or grants from the Water Project Fund for the following water storage, conveyance and delivery projects in: **AZTEC, BELEN, BERNALILLO, BLOOMFIELD, CARLSBAD, CLOVIS, ESPANOLA, ESTANCIA, DEMING, GRANTS, HOBBS, LAS CRUCES, LAS VEGAS, LOS LUNAS, MESILLA, QUESTA, RUIDOSO, SAN YSIDRO, SANTA FE, and TAOS.** Also, for the following: **RUIDOSO:** for a flood prevention project and **TAOS:** for a water conservation, treatment, recycling or reuse project. EMERGENCY CLAUSE. HRC
- HB 65 MV: INCREASE CERTAIN VEHICULAR HOMICIDE PENALTIES (HRC).** Amends § 66-8-101 increasing the penalty for homicide by vehicle when the driver has an alcohol concentration of sixteen one hundredths or more to a 2nd degree felony; if the person has incurred a prior DWI conviction within ten years of the occurrence, the basic sentence shall be increased by six years for each prior DWI conviction. Effective 7/1/10. HRC
- HB 75 BELEN EMERGENCY SERVICES TRAINING (Barela).** Appropriates \$50,000 from the general fund to the Local Government Division for the training and professional development of emergency services personnel, including law enforcement, firefighters and health care professionals in Belen. HEC/HAFC

- HB 77** **VALENCIA COUNTY ANTI-GANG ACTIVITIES (Barela).** Appropriates \$25,000 from the general fund to the Local Government Division to support anti-gang activities of law enforcement agencies operating in Valencia County. HCPAC/HAFC
- HB 81** **PETROLEUM STORAGE TANK DEFINITION CHANGES (Heaton).** Amends §74-4-3 of the Hazardous Waste Act and the Ground Water Protection Act to clarify the definition of above ground storage tank not to include those used for storing heating oil for consumptive use on the premises where stored. Amends §74-4-4 requiring the Environmental Improvement Board to adopt rules concerning storage tanks that implement the federal Energy Policy Act of 2005 and that are equivalent and no more stringent than the Energy Policy Act. Also includes in the rules criteria and procedures for classifying a storage tank facility as ineligible and reclassifying a storage tank facility as eligible for the delivery, deposit, acceptance or sale of petroleum products; the tank shall be deemed ineligible if the storage tank facility has not installed equipment for spill prevention, overfill protection, leak detection or corrosion protection; a tank shall be deemed ineligible when the owner or operator has failed to comply with a written warning within a reasonable period of time and the warning concerns: 1) improper operation or maintenance of required equipment for spill prevention, overfill protection, leak detection or corrosion protection; 2) failure to maintain required financial responsibility for corrective action; or 3) operation of the storage tank facility in a manner that creates an imminent threat to the public health and environment. Rules adopted by the Board shall allow the Department to defer classifying a tank as ineligible for up to 180 days if the ineligible classification would not be in the best interest of the public because it would jeopardize the availability of motor fuel in any rural and remote areas. Rules adopted shall allow the Department to authorize delivery or deposit of petroleum products to: 1) an emergency generator tank that is ineligible if a commercial power failure or other declared state of emergency exists and the tank provides power supply, stores petroleum and is issued solely in connection with an emergency system; or 2) the ineligible storage tank facility is necessary to test or calibrate a tank. Amends §74-6B-3 to clarify the definition of “owner”, for the purposes of tank registration requirements only, as a person: 1) who had an underground storage tank taken out of operation on or before January 1, 1974; 2) had an underground storage tank taken out of operation after January 1, 1974 and removed from the ground prior to November 8, 1984; or 3) had an above ground storage tank taken out of operation on or before July 1, 2001. HRC
- HB 82** **DEVELOP TAX EXPENDITURE BUDGET (Chavez).** Enacts new material in the Tax Administration Act to require the Secretary of Taxation and Revenue to develop a tax expenditure budget for the upcoming fiscal year and present it to the Governor, the interim legislative revenue stabilization and tax policy committee and the legislative finance committee. The bill outlines what this tax expenditure budget shall include. HRC
- HB 83** **CONCEALED HANDGUNS IN CERTAIN RESTAURANTS (Heaton).** Amends §30-7-3 to allow persons to carry a concealed handgun in a restaurant licensed to sell only beer and wine that derives no less than 60% of its annual gross receipts from the sale of food for consumption on the premises, unless the restaurant has a sign posted prohibiting the carrying of firearms, or the person is verbally instructed by the owner or manager that the carrying of a firearm is not permitted in the restaurant. Effective 7/1/10. HRC
- SB 2** **DOMESTIC VIOLENCE HOUSEHOLD MEMBER DEFINED (Wirth).** Amends §30-3-11 to include in the definition of a “household member” a present or former parent, grandparent or grandparent –in-law; a “continuing personal relationship” is a dating or intimate relationship. Effective 7/1/10. SCC/SPAC/SJC
- SB 3** **DWI INCARCERATION REQUIREMENTS (Wirth).** Amends §66-8-102 to make the incarceration provisions for a first, second and third DWI conviction mandatory and prohibits the substitution of ankle monitoring or community service in lieu of incarceration. Effective 7/1/10. SCC/SPAC/SJC
- SB 4** **DWI PLEA AGREEMENTS AND REFUSED CHEMICAL TESTS (Wirth).** Amends §66-8-102.1 to prohibit any plea agreements in DWI convictions if the defendant refuses a chemical test pursuant to the Implied Consent Act. Effective 7/1/10. SCC/SPAC/SJC

- SB 5 INCREASE DWI PENALTIES AND FINES (Wirth).** Amends §66-8-102; increases the maximum fine for a first conviction to \$1,000 from \$500 and imposes a mandatory 72 consecutive hours jail term and 120 consecutive hours term for aggravated DWI; makes the DWI school and drug screening provisions mandatory; raise the fine maximums for second conviction to \$2,000 and imposes a \$5,000 fine for a third. The bill also increases the mandatory jail times for second and third convictions. Effective 7/1/10. SCC/SPAC/SJC
- SB 8 NO SEVERANCE TAX PROJECTS IN CERTAIN COUNTIES (Sharer).** New material prohibits any Severance Tax Bond projects in a municipality or county that have ordinances that are considered “onerous” to the extractive industries; requires the Oil Conservation Commission, the Mining Commission and the Coal Surface Mining Commission to determine yearly which municipal and county ordinances add to the cost of siting, drilling or mining; the three commissions are to notify legislators of those communities found to have onerous ordinances and prohibits Severance Tax Bonds to be issued for projects located in those areas. SCC/SCONC/SFC
- SB 10 NARROW FOOD TAX DEDUCTION TO STAPLE FOODS (Sanchez, B.)** Amends §7-9-92; limits the Gross Receipts Tax deduction for food to staple food items; "staple food" means [any] a food or food product, including meat, poultry, fish, bread, cereal, vegetables, fruits or dairy products, for home consumption that meets the definition of staple food in 7 USCA 2012(r)(1) for purposes of the federal Supplemental Nutrition Assistance Program. Effective 7/1/10. SCC/SCORC/SFC
- SB 11 GANG RECRUITMENT AND ACTIVITY PENALTIES (Griego, P.)** New material creates the crime of gang recruitment in the Criminal Code, which is the solicitation or recruitment of another with the intent that the person solicited or recruited: 1) knowingly participate in a pattern of criminal street gang activity; or 2) promote, further or assist in felonious conduct by members of a criminal street gang. Whoever commits gang recruitment is guilty of a misdemeanor and gang recruitment of a minor is guilty of a fourth degree felony; gang recruitment by threat or violence consists of threatening another with physical violence on two or more separate occasions within a 30-day period, or using physical violence, with the intent to coerce, induce or solicit another to: 1) knowingly participate in a pattern of criminal street gang activity; or 2) promote, further or assist in felonious conduct by members of a criminal street gang. Whoever commits gang recruitment by threat or violence is guilty of a fourth degree felony; and gang recruitment of a minor by threat or violence is guilty of a third degree felony. Criminal street gang means an ongoing organization, association or group of three or more persons, whether formal or informal, having a common name or identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal street gang activity and having as one of its primary activities the commission of a variety of felonies. Effective 7/1/10. SCC/SPAC/SJC
- SB 13 GANG ACTIVITY SENTENCING ENHANCEMENT (Griego, P.)** New material increases sentencing enhancements for felony crimes committed by street gangs. Effective 7/1/10. SCC/SPAC/SJC
- SB 14 PROCUREMENT: IN-STATE BUSINESS PREFERENCE (Keller).** Amends §13-1-21; eliminates the inclusion of a New York manufacturer in the definition of “resident contractor” and “resident manufacturer” for the purpose of awarding contracts to local businesses. Effective 7/1/10. SCC/SPAC/SCORC
- SB 17 RE-ZONING OF CERTAIN LAND PARCELS (Keller).** New material creates a new section of the Municipal Code that authorizes changes to existing property zoning to be based on a preponderance of evidence that: 1) the existing zoning is inappropriate because there was an error when the existing zoning map pattern was created; 2) the existing zoning is inappropriate because changed neighborhood or community conditions justify the change; or 3) a different zoning for the property is more advantageous to the community because it is reasonably expected to reduce vehicle miles traveled or other sources of greenhouse gas emissions, even if the change in zoning would provide a different zoning for the property than zoning that surrounds the property. Defines “vehicle miles traveled” as the total miles traveled by all vehicles in a specified area during a specific time and “greenhouse gas” as any gas that contributes to

global warming or the greenhouse effect when released into the atmosphere. The bill does not specify any local body that would be empowered to effect any zoning change. SCC/SCONC/SJC

- SB 27 DOMESTIC ABUSE UNIFORM POLICE REPORTS (Garcia).** New material requires the Department of Public Safety to develop and, in consultation with law enforcement agencies statewide, periodically review and update a standard domestic abuse report form to be used by law enforcement officers when investigating or making an arrest for a violation of the Crimes Against Household Members Act, the Harassment and Stalking Act or a similar municipal or county ordinance. Effective 7/1/10. SCC/SPAC/SJC
- SB 28 PROCUREMENT: STATE CONTRACTOR CONTRIBUTION DISCLOSURE (Feldman).** New material requires contractor who does business with the state or local public bodies to disclose contributions in excess of \$250 to public officers during the previous two years; requires contractors to register with the Department of Finance and Administration and keep all information updated; authorizes the cancelation of proposed contracts or termination of existing contracts if contributors fail to provide the disclosure information; repeals §13-1-191.1. SCC/SRC/SJC
- SB 29 GRT: UNTAXED INSURANCE SERVICES (Feldman).** Amends §7-9-24 to make receipts from insurance administrative services contracts subject to the gross receipts tax. SCC/SCORC/SFC
- SB 31 GRT: NO SOFT DRINK DEDUCTION (Feldman).** Amends §7-9-92 to eliminate the Gross Receipts Tax deduction on the sale of soft drinks in retail food stores; makes a GRT distribution to the Medicaid Fund in an amount equal to the tax on soft drinks. Effective 7/1/10. SCC/SCORC/SFC
- SB 32 DWI CHEMICAL TEST FEE INCREASE (Feldman).** Amends §31-12-7 to raise the mandatory chemical test fee for DWI convictions from \$75 to \$85. Effective 7/1/10. SCC/SJC/SFC
- SB 35 DISPOSITION OF USED STATE VEHICLES (Keller).** New material requires state agencies, local public bodies, school districts and state educational institutions to offer to registered 501(c) (3) non-profit organizations the right of first refusal in the disposal of used vehicles; non-profits are to have “reasonable time” in order to purchase the offered vehicle at a price that a private consumer could expect to pay for a used vehicle in good condition; if the non-profit does not purchase the vehicle, the agency or local public body may dispose of the vehicle according to procedures in the Procurement Code. SCC/SPAC/SJC
- SB 40 CONCEALED HANDGUNS IN CERTAIN RESTAURANTS (Munoz).** Same as HB 83. SCC/SCORC/SJC
- SB 44 GOVERNMENTAL CONDUCT FOR ALL STATE ENTITIES (Eichenberg).** Amends §10-16-2 of the Governmental Conduct Act to define agency as “any branch, agency, instrumentality or institution or other entity of the state or of a political subdivision”; prohibits a public officer or employee from directly or indirectly coercing another public officer or employee to pay, lend or contribute anything of value for a political purpose; prohibits a public officer during their term of office from acquiring a financial interest in any venture when that venture would be affected by the public officer’s actions. The bill requires disclosures of contributions to public officials and potential conflicts of interests; restricts certain business practices between public officials and agencies. New material states that nothing in the Act shall preclude a local government agency from adopting rules that are more stringent than those in the Act. Effective 7/1/10. SCC/SRC/SJC
- SB 50 CREATE TAX EXPENDITURE STUDY COMMISSION - GF (Griego, E.)** New material creates the Tax Expenditure Study Commission that is to exist until July 1, 2011; the 17-member Committee is to include a representative of municipal and county governments; the Commission is to prepare a report and submit to the Governor and Legislature by July 1, 2001. The report includes a cost-benefit analysis of each tax expenditure in the state and the aggregate number of taxpayers benefiting from the expenditures; the report shall also recognize the number of jobs created by tax expenditures; appropriates \$200,000 from the General Fund to create the Commission. SCC/SPAC/SFC

- SB 55 MISSING PERSON AND AMBER ALERT INFO AND TRAINING (Rue).** New material requires a minimum of four hours of combined missing person and Amber Alert training for each basic law enforcement training class; the missing person and Amber Alert components of in-service training shall be required each year for certified police officers; defines state registrar as the employee designated by the Public Health Division of the Department of Health pursuant to the Vital Statistics Act; defines what information is to be included in a missing person report form; requires a law enforcement agency to accept without delay and without exception for any reason any report of a missing person and no later than two hours after receiving the report to initiate an investigation and to provide the state clearinghouse with information relating to the investigation. New material requires a law enforcement agency, within two hours of receiving a report of a missing child, to enter information into the National Crime Information Center computer; the Attorney General is to have enforcement responsibilities for provisions of the Missing Persons Information and Reporting Act; repeals §32A-14-1 through 4 NMSA 1978. SCC/SPAC/SJC
- SB 57 GRT: MEDICAL MARIJUANA (Sapien).** Amends §7-9-29 to make receipts from the sale of medical marijuana by a for-profit or non-profit organization subject to the Gross Receipts Tax. Effective 7/1/10. SCC/SCORC/SFC
- SB 60 HAZARDOUS DUTY OFFICERS' EMPLOYER RELATIONS (Sanchez, M.)** New material creates the Hazardous Duty Officers' Employer-Employee Relations Act; defines hazardous duty officer as an individual who is employed full-time by the state or a political subdivision of the state as a firefighter, emergency medical technician or paramedic, provided that officer does not include an individual who has not completed the probationary period established by the individual's employer; establishes a variety of conditions under which a hazardous duty officer may be interrogated for an alleged action that could result in an administrative sanction; each interrogation session is to last no more than two hours and there is to be no more than two interrogation sessions within a 24-hour period; requires that the interrogation sessions be recorded and the complete interrogation shall be published as a transcript. Prohibits an employer from taking any punitive action or denial of promotion on any grounds other than merit if the investigation of an allegation is not completed within one year of discovery; authorizes civil penalties not to exceed \$25,000 upon a finding by a district court that an employer or agent has violated provisions of the Act. Effective 7/1/10. SCC/SPAC/SJC
- *SB 66 ECONOMIC DEVELOPMENT REVOLVING FUND PROJECTS (Papen).** Authorizes the New Mexico Finance Authority to provide financing assistance in the form of loan participations with private lenders for up to 49 percent of total individual project financing, not to exceed \$5 million per project, from the Economic Development Revolving Fund for a variety of economic development projects statewide. EMERGENCY CLAUSE. SCC/SCORC/SFC
- SB 69 REGIONAL HOUSING LAW FUNDS – GF (Papen).** Appropriates \$250,000 from the General Fund to the Mortgage Finance Authority to carry out provisions of the Regional Housing Law. SCC/SPAC/SFC
- SB 76 PURCHASE PROTECTIVE VESTS FOR POLICE DOGS (Morales).** Amends §29-13-7 to authorize use of Law Enforcement Protection Fund monies to purchase law enforcement equipment, including protective vests, for police dogs. SCC/SPAC/SFC
- SB 77 STATE AGENCY CREDIT CARD PROCESSING FEE (Campos).** Amends §6-10-1.2 to authorize state agencies and local public bodies to charge a convenience fee to cover the costs of processing a credit card or electronic transfer transaction; the fee is charged to the person using the credit card; amounts collected are appropriated to the state agency or local governing body. SCC/SCORC/SFC
- SB 79 CAPITAL OUTLAY PLANNING AND MONITORING (Campos).** New material creates the Capital Outlay Review Committee as a permanent joint interim committee; the purpose of the committee is to oversee functions and processes of the capital outlay planning and monitoring division of the Department of Finance and Administration and adopt standards for project funding requests; creates the capital outlay

planning and monitoring division in the Department of Finance and Administration. Repeals §6-4-1 NMSA 1978. Effective 7/1/10. SCC/SRC/SFC

- SB 81** **GRT: FOOD STORE DEFINITION (Sharer).** Amends §7-9-92; definition of a retail food store is an establishment that sells food for home consumption that meets the definitions used in the federal Supplemental Nutritional Assistance Program; if more than 75 percent of the total sales of the establishment consists of bottled water, ice and coffee, the establishment shall be considered a retail food store. Effective 7/1/10. SCC/SCORC/SFC
- SB 86** **PROPERTY TAX PAYMENT REQUIREMENTS (Griego, E.)** Amends §3-19-6; county subdivision regulations shall include that no property shall be approved for subdivision if any of the property taxes due within the last 10 years remain delinquent, unless the property is subject to sale by the Taxation and Revenue Department; new material authorizes a County Commission, by ordinance, to prohibit a person who appears on the property tax delinquent list from being issued or granted a permit, license or other authorization controlled by the county; amends §7-35-2.1 to include the county's costs associated with collections of delinquent property taxes, such as administrative fees, searches, filing fees, copying fees and other fees or costs resulting from collection efforts; requires documentation of the payment of property taxes for the past 10 years before granting of preliminary platting approval. Effective 7/1/10. SCC/SCORC/SFC
- SB 89** **MV: CARELESS DRIVING AND ELECTRONIC COMMUNICATIONS (Fishman).** Amends §66-8-114 to add to the definition of careless driving the non-emergency use of a handheld wireless communication device for text messaging or electronic communications; handheld wireless means a handheld device used for the transfer of information without the use of electrical conductors or wires, including: 1) wireless telephone; 2) personal digital assistant; 3) pager; and 4) text messaging devices. SCC/SPAC/SJC
- *SB 95** **LAS CRUCES MAINSTREET DOWNTOWN TIDD (Papen).** Authorizes \$8 million in bonds secured by tax increments under the Tax Increment for Development Act for the Las Cruces MainStreet Downtown project. EMERGENCY CLAUSE. SCC/SCORC/SFC
- SB 96** **WHISTLEBLOWER PROTECTION ACT (Beffort).** New material creates the Whistleblower Protection Act; prohibits a public employer from taking any retaliatory action against a public employee if the employee; 1) discloses or threatens to disclose an activity, policy or practice of the public employer that constitutes an unlawful or improper act that the public employee believes in good faith constitutes an illegal act; 2) provides information or testimony as part of an investigation of an unlawful act; or 3) objects to or refuses to participate in an activity that constitutes an unlawful act; provides for civil relief if an employer violates the provisions of the Act; a civil action is forever barred unless the action is filed within two years from the date of the retaliatory action; the provision of the Act apply only to civil actions resulting from retaliatory actions that occurred on or after July 1, 2008. SCC/SPAC/SJC
- SB 99** **STATE ELECTION CODE: VOTER IDENTIFICATION AND FREE ID CARDS (Neville).** Amends §1-1-24; required voter identification or physical form of identification shows the name of the individual, shows a photograph of the individual, includes an expiration date and was issued by the United States or the state of New Mexico; an identification card shall be issued without charge to a person who is otherwise qualified to receive an identification card if the person will be at least 18 years of age on the date of the next general election; appropriates \$30,000 from the General Fund. Repeals §1-12-4.1. Effective 1/1/11. SCC/SRC/SJC/SFC
- SB 101** **LIQUOR TAX FOR TRANSPORTATION SYSTEMS (Munoz)** Amends §7-24-10 to authorize use of the Local Liquor Excise Tax for a safe transportation shuttle system for transport of inebriated persons. SCC/SCORC/SFC
- *SB 112** **SEVERANCE TAX BOND PROJECTS (Cisneros).** Authorizes the sale of Severance Tax Bonds for the following local projects: Cumbres and Toltec Scenic Railroad Commission - \$300,000 for track rehabilitation. EMERGENCY CLAUSE. SCC/SFC

- *SB 113 CAPITAL PROJECTS GENERAL OBLIGATION BONDS (Cisneros).** Authorizes issuance of General Obligation Bonds for the following projects: **Albuquerque** - \$370,000 for Bear Canyon senior center; \$500,000 for Highland senior center; \$534,000 for North Valley senior center; **Artesia** - \$50,000 for senior center vehicles; **Aztec** - \$67,500 for senior center building improvements; **Belen** - \$300,000 for senior center construction; **Carrizozo** - \$50,000 for senior center construction; **Chama** - \$10,200 for senior center meals equipment; **Clayton** - \$180,000 for senior center building improvements; \$7,000 for meals equipment; **Cuba** - \$27,500 for senior center code improvements; **Des Moines** - \$16,100 for senior center code compliance; **Eagle Nest** - \$7,500 for senior center renovations; **Española** - \$9,000 for senior center code compliance; \$12,000 for meals equipment; **Eunice** - \$1,100 for senior center meals equipment; **Fort Sumner** - \$9,200 for senior center meals equipment; **Gallup** - \$18,500 for senior center equipment; \$26,000 for citywide meals equipment; \$63,000 for vehicles; \$65,000 for the Ford Canyon senior center code compliance; **Grady** - \$5,200 for senior center meals equipment; **Grants** - \$35,100 for senior center equipment; \$1,000 for meals equipment; **Hagerman** - \$150,00 for senior center; **Hobbs** - \$1,000 for senior center meals equipment; **Jal** - \$10,000 for senior center meals equipment; **Las Cruces** - \$255,000 for Munson senior center equipment; \$75,000 for Mesilla Park senior center equipment; **Los Alamos** - \$89,000 for senior center vehicles; **Mora/Wagon Mound** - \$17,500 for senior center meals equipment; **Raton** - \$25,000 senior center code upgrades; **Rio Rancho** - \$300,000 for senior center design/construct; **Roswell-Hagerman** - \$102,600 for senior center vehicles; **Ruidoso** - \$13,5000 for senior center renovation; **Santa Clara** - \$10,000 for senior center code compliance; **Santa Fe** - \$73,000 for Mary Esther Gonzales senior center renovation; **Socorro** - \$37,500 for senior center code compliance; \$26,000 for meals equipment; **Tijeras** - \$1 million for Tijeras senior center; **T or C** - \$10,300 for senior center meals equipment; **Tucumcari** - \$7,500 for senior center equipment; \$22,500 to renovate senior center; **Tucumcari/House** - \$5,300 for senior center meals equipment; **Public Libraries statewide** - \$1 million for book acquisitions. EMERGENCY CLAUSE. SCC/SFC
- SB 115 AIR QUALITY CONTROL PERMIT DENIAL (Nava).** Amends §74-2-7; authorizes the Environment Department or a local agency to deny any permit application or revoke any permit issued if the applicant has; 1) knowingly misrepresented a material fact in an application; 2) refused to disclose the information required by the Air Quality Control Act; 3) been convicted in any court, within 10 years immediately preceding the date of submission of the permit application, of a felony relating to an environmental crime or a crime defined by state or federal statute involving restraint of trade, price fixing, bribery or fraud; 5) constructed or operated a facility without a permit; or 6) had a permit revoked or permanently suspended for cause. The amendment also requires applicants to file disclosure documents with the Department. SCC/SCORC/SJC
- SB 117 MERGE HOMELAND SECURITY AND DEPARTMENT OF PUBLIC SAFETY (Smith).** Same as HB SCC/SPAC/SFC
- *SB 121 CIGARETTE TAX INCREASE, DISTRIBUTIONS (Sanchez, B.)** Same as HB 35. EMERGENCY CLAUSE SCC/SCORC/SFC
- SB 126 LIQUOR TAX INCREASE AND DISTRIBUTIONS (Lovejoy).** Amends §7-1-6.4 to reduce the distribution to the Local DWI Grant Fund from 41.05 percent to 21.09 percent; raises the rate of the liquor excise tax on sprints, beer and wine. Effective 7/1/10. SCC/SCORC/SFC
- SJM 17 REVIEW OF ALBUQUERQUE/BERNALILLO COUNTY WATER AUTHORITY (McSorley).** Requests the Local Government Division, the City of Albuquerque and Bernalillo County to convene a group of agency and citizen stakeholders to review the Water Utility Authority for purposes of making recommendations to the Legislature. SRC/SCONC
- SJM 20 STATEWIDE GANG ACTIVITY STUDY PROGRAM (Campos).** Requests the Department of Public Safety to create a gang reduction, intervention and prevention program to consolidate and centralize statewide efforts for suppression of gang activity. SRC/SJC

SM 9 USE POLLINATOR-FRIENDLY PLANTS IN LANDSCAPING (Feldman). Requests state and county agencies, municipalities, public schools and colleges and universities to use pollinator-friendly plants, including native eco-region specific plant mixtures in landscaping projects; also requests those agencies consider providing educational signs explaining what is being done on the sites to support pollinators; requests the Governor to designate a Pollinator Appreciation Week. SRC/SCONC