

LEGISLATIVE BULLETIN

VOL. 2010-3

FEBRUARY 5, 2010

Big Issues, Big Decisions

The 2010 Legislature met the half-way mark this week and there is still plenty to do before adjournment on February 18.

This year's big issue – the budget deficit – still dominates legislative action. Three bills are scheduled for action on the House floor Thursday. House Appropriations and Finance Committee Substitute for House Bills 2,3,4,5 and 6 is the General Appropriations bill. House Taxation and Revenue Committee Substitute for House Bill 119 raises the state gross receipts tax by a half percentage point for four years. House Bill 9, introduced by Representative Edward Sandoval, imposes a three-year surtax on high income earners. These bills, if passed, will go on to the Senate for further action.

Today is Municipal Day in Santa Fe. The 21st Annual meeting at La Fonda Hotel gives municipal officials the opportunity to receive a legislative review from League staff and then meet with their individual representatives and senators. The following are this year's League legislative priorities and the accompanying legislation that affects the particular issues:

- **Protection of Municipal Revenues and Restriction of Enactment of Local Option Gross Receipts Taxes:** House Taxation and Revenue Committee Substitute for House Bill 119 raises the State Gross Receipts Tax by one-half percent for four years. The original bill limited the implementation of local option gross receipts taxes by municipalities and counties to a combined 2.5 percent during the four-year period. The Committee Substitute removes that prohibition and now requires, for the next four years, either a positive or negative referendum on implementation of any increment of local option GRT that does not now require any kind of referendum.
- **Remove Restrictive Requirements of Enacting all GRT Increments Before the Capital Outlay Gross Receipts:** House Bill 30, introduced by Representative Jim Trujillo, has received a Do Pass recommendation from the House Health and Government Affairs Committee. The bill removes the requirement that all GRT increments must be implemented before the Capital Outlay GRT can be imposed.
- **Increase Environmental Services GRT:** House Bill 42, introduced by Representative Rodolpho "Rudy" Martinez, also has been given a Do Pass recommendation for m the same House committee. The bill raises the Environmental Services GRT from 1/6th to 1/2 percent.
- **Support GO Bonds for Libraries:** House Bill 226 , introduced by Representative Jim Trujillo, includes \$3 million for public libraries statewide.
- **Support a Constitutional Amendment Providing for a Municipal Judge on the Judicial Standards Commission:** House Joint Resolution 10, introduced by House Majority Leader Ken Martinez, proposes a Constitutional Amendment to include a municipal judge on the Judicial Standards Commission.

The League wants to thank all of the sponsors of our legislation for their efforts and cooperation

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.

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
H AFC	Appropriations and Finance	SENATE COMMITTEES	
H AGC	Agriculture and Water Resources	SCC	Committee's Committee
H BIC	Business and Industry	SCONC	Conservation
H CPAC	Consumer and Public Affairs	SCORC	Corporations and Transportation
H CW	Committee of the Whole	SCW	Committee of the Whole
H EC	Education	SEC	Education
H ENRC	Energy and Natural Resources	SFC	Finance
H EEC	Enrolling and Engrossing	SIAC	Indian and Cultural Affairs
H HGAC	Health and Government Affairs	SJC	Judiciary
H JC	Judiciary	SPAC	Public Affairs
H LC	Labor and Human Resources	SRC	Rules
H PSC	Printing and Supplies	SWMC	Ways and Means
H RC	Rules and Order of Business		
H TPWC	Transportation and Public Works		
H TRC	Taxation and Revenue		

Bill Introductions Through Wednesday, February 3, 2010

- HB 202** **GRT: MUNICIPAL ENVIRO SERVICE GROSS RECEIPTS RATE – ANGEL FIRE (T. Garcia).** Amends §7-19D-10. Increases the authorized rate of the Municipal Environmental Gross Receipts Tax from 1/16% to 1% for a municipality in a Class B County with a population according to the most recent federal census of more than 1,040 but less than 1,050 (Angel Fire); the tax must be imposed in 1/16 increments and having once qualified to impose the tax, a municipality shall remain qualified despite a change or update in census data. Effective 7/1/10. HHGAC/HTRC
- *HB 203** **BUSINESS RETENTION GROSS RECEIPTS TAX & GAMING TAX (T. Garcia).** Authorizes counties containing racetracks with gaming licensees to impose a County Business Retention Gross Receipts Tax of up to ¼%, subject to a referendum; an amount not to exceed \$1 million shall be distributed to the state to reduce the impact to the General Fund of gaming tax lost from the county from reduced gaming tax revenue due to decreased economic activity; the remainder of the revenue the county may use for promotion or administration of the county, instructional or general purpose for a public post-secondary educational institution, capital outlay to expand or relocate the educational institution, or funding professional services contracts related to implementing an economic development plan adopted by the governing body; the tax is in effect for five years. Allows the racetrack in the county to claim a tax credit of up to 50% of the monthly gaming tax liability up to \$1 million per year if the combined net take and receipts are under \$20 million in the prior calendar year. EMERGENCY CLAUSE. HBIC/HTRC
- HB 206** **EX-FELON VOTER REGISTRATION (K. Martinez).** Repeals sections in the Criminal Code and State Election Code relating to restoration of ex-felons’ right to vote and eligibility to register to vote and enacts new sections in both Codes to eliminate duplicate language; does not reenact language relating to the process and roles involving the Secretary of State, Corrections Department and courts providing notification and data to ex-felons and county clerks. Re-enacts the language in the Criminal Code requiring ex-felons to have a pardon or certificate from the Governor in order to hold a public office. Repeals §§1-4-27.1 and 31-13-1. HVEC/HJC

- HB 207 INTERLOCK FUND ELIGIBILITY (K. Martinez).** Amends §66-8-102. Authorizes the Traffic Safety Bureau or the parole board instead of the sentencing court to make a determination of whether a DWI offender is indigent and eligible to receive monies from the Interlock Device Fund to pay for the device's installation; the amount authorized to be paid to indigents from the Fund is limited to \$50 for installation and removal and up to \$30 monthly for verified active usage of the device. Sets specific guidelines for the Traffic Safety Bureau or parole board to determine indigency based upon proof of enrollment in specific listed types of public assistance. Increases the percentage of the Fund that may be used by the Traffic Safety Bureau to administer the Fund from 5% to 10%. HJC/HAFC
- HB 211 LIQUOR CONTROL LIMITED DISPENSER LICENSE (Cervantes).** Amends several sections of the Liquor Control Act. Adds definitions of "inter-local option district license transfer" and "limited" dispenser", "public nuisance", "rural community"; provides that if the Department of Public Safety or a local law enforcement agency fails to report a violation of the Liquor Control Act within six months of the date of issuing a citation, the Alcohol and Gaming Division shall dismiss the citation; adds tribal governments to those eligible for a governmental license; deletes the language that limits sales by governmental entities to beer and wine only in a state museum or municipal golf course. Enacts a new section to establish a "limited dispenser license" in a rural community of a local option district that allows sale, service and consumption of alcohol in a restaurant; "rural community" is an area ten or more miles outside of a metropolitan statistical area with a population of 40,000 or less; sets conditions and license fee of \$1,500 for issuing the license. Requires that before a new liquor license is issued or before the approval of a license transfer, the person with binding authority relating to the business shall submit two sets of fingerprints taken under supervision of and certified to by a New Mexico law enforcement officer or another qualified person; requires the Director of Alcohol and Gaming Division to take into consideration the decision of the governing body of a local option district when determining whether a license is issued or transferred; requires that all documentation relating to issuance or transfer be also submitted to the local option district governing body; removes references to preliminary approval of a license; requires application notices to be posted for license transfers as well as new issues; requires the Director, upon receipt of an application for issuance or transfer, to notify the governing body where a licensed premises will be or are located; the Department must hold a hearing within 50 days of receipt of an application; changes the time within which a governing body must hold a public hearing on an issuance or transfer from 45 to 35 days from receipt of the application; if the governing body does not hold a hearing within that time, the Director shall hold a hearing in that district to solicit community input prior to approving or disapproving the application based upon the community input received and the hearing held by the Department; changes the notice requirements for the governing body's hearing to require that the second publication of the notice take place at least one week prior to the hearing; the notice shall include an invitation for public comment; changes the time within which the governing body must notify the Department of its approval or disapproval from 30 to 10 days after the public hearing; deletes the language that requires the Director to disapprove or approve an issuance or transfer based on the local governing body's decision and new language states the Director shall approve or disapprove based upon the hearing held by the Department; a license that is not renewed for five consecutive years shall expire without option to renew; changes the approving authority for inter-local transfers from the local governing body to the Director. Requires license suspension or revocation of a license if the Director finds that alcohol was illegally sold, served or given to a minor or to an intoxicated person, or permitted a minor to enter and remain in a prohibited area and sets fines of up to \$10,000 based upon number of violations. The Director is required to ask the Department of Public Safety to investigate a complaint when a law enforcement agency cites a licensee for a violation; makes changes regarding license revocation procedures; adds to the definition of a "server" individuals who manage, direct or control patrons of a licensed premises; permits alcohol to be served on Sunday by the drink between 11:00 a.m. to 11:00 p.m. or Noon to midnight as set forth in the Sunday sales permit; makes it a 4th degree felony for a licensee to sell, attempt to sell or to deliver alcohol to a person in violation of the Liquor Control Act or to otherwise act in violation of the Act; changes the penalties for illegal sale, service and delivery in §60-7B-1A based on whether the offender is a server and the number of offenses. Repeals §60-7A-15, relating to district attorney and court authority regarding premises that are public nuisances for illegal activities relating to alcohol. Effective 7/1/10. HBIC/HJC
- HB 212 LIQUOR CONTROL BY LAW ENFORCEMENT (Rehm).** Amends §§31-3-2, 4-41-2, 29-1-1, 60-6E-7, 60-7B-1, 66-5-5, 66-5-47, 66-5-405. Provides liquor control enforcement duties to local law

enforcement agencies; specifically authorizes municipal and county police officers to issue citations for violations of the Liquor Control Act; alcohol server permits shall be valid for three years instead of five; allows a parent, legal guardian or adult spouse of a minor to serve alcohol to a minor on licensed premises deriving more than 60% of gross receipts from food for consumption on the premises, or at traditional ceremonies or celebrations associated with traditional ceremonies; changes the penalties for illegal sale, service and delivery in §60-7B-1A based on whether the offender is a server and the number of offenses; any driver's license or ID card issued after four or more DWI convictions shall be printed in vertical format until ten years from the date of last conviction; licenses of everyone under age 21 shall also be printed in vertical format with a legend indicating they are under 21; enacts one new section of the Liquor Control Act to prohibit a licensee, agent or employee from selling, serving or providing alcohol to a person who has a New Mexico driver's license or an ID card that is printed in vertical format. Effective 7/1/10. HRC

- HB 213 NATURAL RESOURCES & ENVIRONMENT DEPARTMENT (O'Neill).** This 139-page bill creates the Natural Resources and Environment Department, consolidating the Energy, Minerals and Natural Resources Department, Environment Department and Natural Resources Trustee. Effective 7/1/10. HRC
- HB 214 COUNTY GROSS RECEIPTS FOR COUNTY PROJECTS (R. Martinez).** Amends §4-62-1 to allow for the use of gross receipts tax for revenue bonds in one-eighth or one-sixteenth increments. (current law only allows for one-eighth increments). Effective 7/1/10.
- HB 222 VETERINARY MEDICINE AND ANIMAL SHELTERING BOARD (Park).** Amends §61-14-2. Defines "animal shelter" as: 1) a county or municipal facility that provides shelter to animals on a regular basis, including a dog pound; and 2) a private humane society or a private animal shelter that temporarily houses stray, unwanted or injured animals through administrative or contractual arrangements with a local government agency, and does not include a municipal zoological park. Defines "euthanasia" as a means to produce a humane death of an animal by standards deemed acceptable as set forth in its rules; defines "euthanasia agency" as a facility that provides shelter to animals on a regular basis and performs euthanasia. Amends §61-14-4 transferring the powers and duties of the Board of Veterinary Medicine and the Animal Sheltering Board to a new Veterinary Medicine and Animal Sheltering Board. This Board shall consist of the following members: 1) five licensed veterinarians, one of whom shall have provided paid or unpaid service to an animal shelter; 2) one euthanasia agency employee with training and education in euthanasia; 3) one representative from a nonprofit animal advocacy group; 4) one manager or director of a NM facility that provides shelter to animals on a regular basis, provided the manager or director is trained in animal shelter standards; and 5) one member of the public. Effective 7/1/10. HRC
- *HB 225 CAPITAL OUTLAY REAUTHORIZATIONS (Trujillo).** Among other projects, expands the use of capital outlay funds for the design, planning, construction and furnishing of the Alamogordo public library to include upgrades, repairs and renovation. EMERGENCY CLAUSE. HTRC
- *HB 226 GO BOND PROJECTS: SENIOR CENTERS AND LIBRARIES (Trujillo).** Authorizes the issuance and sale of capital projects general obligation bonds for the following municipal projects: **Artesia:** \$50,000 to purchase and equip vehicles for the senior center; **Aztec:** \$67,500 to make improvements for building code compliance, including purchase and install equipment at the senior center; **Belen:** \$300,000 to plan, design, construct, equip and furnish the senior center; **Carrizozo:** \$50,000 to plan, design, construct, equip and furnish the senior center; **Chama:** \$54,600 to make improvements for building code compliance, including purchase and install equipment at the senior center; \$10,200 to purchase and install meals equipment at the senior center; **Clayton:** \$180,000 to make improvements for building code compliance, including purchase and install equipment at the senior center; \$7,000 to purchase and install meals equipment at the senior center; **Corrales:** \$10,500 to plan, design, renovate and equip the senior center; **Cuba:** \$27,500 to make improvements for building code compliance, including purchase and install equipment at the senior center; **Des Moines:** \$16,100 to make improvements for building code compliance, including purchase and install equipment at the senior center; **Eagle Nest:** \$7,500 to plan, design, renovate and equip the senior center; **Eunice:** \$1,100 to purchase and install meals equipment for the senior center; **Espanola:** \$9,000 to make improvements for building code compliance, including

purchase and install equipment at the senior center: \$12,000 to purchase and install meals equipment at the senior center; **Fort Sumner:** \$9,200 to purchase and install meals equipment; **Gallup:** \$18,500 to purchase and install equipment at citywide senior centers; \$26,000 to purchase and install meals equipment at citywide senior centers; \$63,000 to purchase and equip vehicles for citywide senior centers; \$65,000 to make improvements for building code compliance, including purchase and install equipment to the Ford Canyon senior center; **Grady:** \$5,200 to purchase and install meals equipment; **Grants:** \$35,100 to make improvements for the building code compliance including purchase and install equipment at the senior center; \$1,000 to purchase and install meals equipment at the senior center; **Hagerman:** \$150,000 to plan, design, construct, equip and furnish the senior center; **Hobbs:** \$1,000 to purchase and install meals equipment at the senior center; **Jal:** \$10,000 to purchase and install meals equipment at the senior center; **Las Cruces:** \$255,000 to make improvements for building code compliance including purchase and install equipment at the Munson senior center; **Los Alamos:** \$13,500 to purchase and equip vehicles for the senior center; **Mesilla Park:** \$75,000 to make improvements for building code compliance including purchase and install equipment at the senior center; **Raton:** \$25,000 to make improvements for building code compliance including purchase and install equipment at the senior center; **Rio Rancho:** \$300,000 to plan, design, construct, equip and furnish the senior center; **Roswell-Hagerman:** (\$102,600) to purchase and equip vehicles for the senior centers; **Ruidoso:** \$13,500 to plan, design, renovate and equip the senior centers; **Santa Fe:** \$73,000 to plan, design, renovate and equip the Mary Esther Gonzales senior center; **Socorro:** \$37,500 to make improvements for building code compliance, including purchase and install equipment; \$26,000 to purchase and install meals equipment at the senior center; **T or C:** \$10,300 to purchase and install meals equipment at the senior center; **Tijeras:** \$1 million to plan, design, construct, equip and furnish the senior center; **Tucumcari:** \$7,500 to purchase and install equipment at the senior center; \$22,500 to plan, design, renovate and equip the senior center; **Tucumcari and House:** \$5,300 to purchase and install meals equipment at the senior centers; **Wagon Mound and Mora:** \$17,500 to purchase and install meals equipment at the senior centers. In addition, \$3 million to acquire library books, equipment and library resources for public libraries statewide. EMERGENCY CLAUSE. HVEC/HTRC

HB 228 **TIMELY AUDITS OF STATE AGENCIES (Varela).** Amends §6-3-6 to allow the State Budget Division to temporarily withhold an allotment to a state agency that has failed to submit an audit report required by the Audit Act; the amount and number of periodic allotments to be withheld shall be directed by the Secretary of Finance and Administration; amends §6-6-2 to allow the Local Government Division to report to the Secretary of Finance and Administration if a municipality or county has failed to submit two consecutive financial reports as required by this Act. Allows the Secretary of Finance and Administration to direct the Taxation and Revenue Department to temporarily withhold a distribution pursuant to §7-1-6.15 to a municipality or county that has failed to submit an audit report; the amount to be withheld, the source of the withheld distribution and the number of months that the distribution is to be withheld shall be determined by the Secretary; the distribution withheld shall remain in the Tax Administration Suspense Fund until distributed to the municipality or county and shall not be distributed to the general fund. Enacts new material. The Secretary of Finance and Administration, upon notification by the State Auditor that a state agency, municipality or county has failed to submit an audit report, shall require monthly financial reports to be submitted until all past-due audit reports have been submitted to the auditor and the Secretary is satisfied that the agency, municipality or county is in compliance with all financial and audit requirements. If after 90 days all past-due reports have not been submitted or progress made satisfactory to the State Auditor, the Secretary of Taxation and Revenue shall temporarily withhold distributions to the municipality or county subject to the following guidelines: 1) transfers to a county or municipality of receipts from any local option gross receipts tax or from a tax imposed pursuant to the Local Liquor Excise Tax Act shall not be withheld; 2) the source and amount withheld shall not impair any outstanding bonds or other obligations of the municipality or county or interrupt a redirected distribution to the NM Finance Authority pursuant to an ordinance or resolution passed by the county or municipality; 3) the initial amount withheld shall not exceed 5% of the amount that would otherwise be distributed to the county or municipality and shall be for a period of no more than three months; 4) every three months, the Secretary of Finance and Administration shall determine if the municipality or county has submitted all past-due reports and if not, shall increase the amount withheld by another 5% for an additional three months; 5) upon determination that all past-due reports have been submitted, the Secretary shall direct all withheld amounts to be distributed to the municipality or county and future

distributions shall be made in full. Amends §12-6-3 to require the State Auditor to notify the Legislative Finance Committee and the Secretary of Finance and Administration if: 1) a state agency, municipality or county has failed to submit a required audit report within 90 days of the due date; and 2) the State Auditor has investigated the matter and attempted to negotiate with the state agency, municipality or county but there has not been satisfactory progress toward compliance with the Audit Act. Effective 7/1/11. HHGAC/HJC

- HB 229 ESTABLISH METRO COURT IN CERTAIN COUNTIES (Nunez).** Amends §34-8A-1. Provides that a metropolitan court may be established in a Class A county with a population of more than 350,000 (increased from 200,000 population). HJC/HAFC
- HB 233 NO SOLAR PANELS AS PROPERTY TAX IMPROVEMENTS (Stewart).** Amends §7-36-21.2 of the Property Tax Code to provide that the addition of a solar energy installation shall not be considered a physical improvement for purposes of the limitation on increases in the valuation of residential property. Applies to property tax years beginning on or after January 1, 2010. HHGAC/HTRC
- HB 235 PROCUREMENT: PURCHASING FROM PERSONS WITH DISABILITIES (Picraux).** Amends §13-1C-7 of the State Use Act. If a state agency or local public body believes that an available service on the list published by the NM Council for Purchasing is not suitable or is available elsewhere for a lower price, the following procedures may apply: 1) the state agency or local public body shall request a hearing before the Council and submit documents that support their position; 2) upon receipt of the request, the Council shall hold a hearing on this matter within 30 days; 3) within 10 days of the hearing, the Council shall report its decision. In its decision, the Council may: decide the service is not suitable or cannot be provided at a fair price, in which case the service shall be procured pursuant to the Procurement Code; adjust the price of the service or the components of the service, and the service shall be provided under the State Use Act; or decide the established price is a fair price for the service or that the service is suitable for the state agency or local public body and it will be provided under the Procurement Code; 4) the decision of the Council is final and not subject to appeal. Sole source procurements or emergency procurements shall be obtained only through the provisions of the Procurement Code. A state agency or local public body seeking to procure professional services shall follow the provisions of the Procurement Code or the procedures of the State Use Act. Effective 7/1/10. HRC
- HB 236 CONSTRUCTION LICENSING CONTRACTOR DEFINITION (Gutierrez).** Amends §60-13-3 deleting the current exemptions from the definition of “contractor” to include: 1) individuals who work on one project at a time and compensation does not exceed \$7,200 in a year; 2) the work is not part of a larger or major operation undertaken by the same individual or different contractor; 3) the individual does not advertise or maintain a sign, card or other device which would indicate to the public that he is qualified as a contractor; 4) and the individual files annually with the Construction Industries Division that he performs work that is casual, minor or inconsequential. Also deletes the current exemption for persons who perform work consisting of short-term depreciable improvements to commercial property to provide needed repairs and maintenance for items not covered by building codes adopted by the Construction Industry Commission if the total amount paid for the work on a single undertaking, including material, services and wages of those working does not exceed \$5,000. HCPAC/HLC
- *HB 238 STATE ELECTION CODE: USE OF ABSENTEE BALLOTS ON ELECTION DAY (Campos).** Amends §1-6-10 to delete language that requires the county clerk to publicly destroy unused ballots the Monday immediately preceding the date of election and allows the county clerk to prepare the unused absentee ballots for delivery on election day to precinct boards that require more ballots on election day. Also, the Secretary of State shall promulgate by rule procedures to ensure that all absentee ballots that are used as backup ballots are accounted for and that all unused absentee ballots are destroyed at the close of the polls on election day. EMERGENCY CLAUSE. HVEC
- HB 244 TAX ON CERTAIN UNTAXED TRANSACTIONS (Garcia, MP).** Amends §7-9-7 imposing the compensating tax on tangible property acquired as the result of a transaction with a person located outside the state that would have been subject to the gross receipts tax had the tangible personal property been acquired from a person with a New Mexico nexus. Effective 7/1/10. HBIC/HTRC

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- HB 250 GRT DEDUCTION: SOFT DRINKS, CANDY & PASTRY (Giannini).** Amends §7-9-92. Eliminates the gross receipts tax deduction for receipts from the sale of soft drinks, candy, chewing gum and certain listed snack foods and pastries such as corn chips, cheese puffs and cookies. Effective 7/1/10. HBIC/HTRC
- HB 252 GRT DEDUCTION: SOLAR ENERGY SYSTEM LEASE (Salazar).** Amends §7-9-112. Allows receipts from the leasing of a solar energy system, in addition to receipts from sale or installation, to be deducted from gross receipts tax. Effective 7/1/10. HENRC/HTRC
- HB 253 NO UNEMPLOYMENT BENEFIT WEEKLY INCREASE (Gardner).** Amends §51-1-4. Eliminates the temporary increase in the weekly unemployment compensation benefit amount of 60% of the average weekly wage that is currently in effect from July 1, 2009 to June 30, 2011. Effective 7/1/10. HRC
- HB 254 NO SEVERANCE BOND PROJECTS IN SOME MUNICIPALITIES & COUNTIES (Gardner).** Enacts a new section of the Severance Tax Bonding Act. Prohibits any severance tax bonds from being issued to benefit a project by a municipality or county if their zoning or other ordinances have an onerous effect upon the extractive industries; exempts bonds issued for state projects within a municipal planning and platting jurisdiction, or the area of a county outside the planning and platting jurisdiction of a municipality or county that has enacted such an ordinance. HHGAC/HBIC/HTRC
- HB 257 RESIDENTIAL COMMON AREA PROPERTY VALUATIONS (Tripp).** Amends §7-36-15. Provides that the common area of a planned unit development (PUD) or subdivision for the exclusive use of a lot owner, resident or invited guest shall not be valued separately from each lot; the value of the common area shall be included in the determination of value of each lot served by the common area; “common area” is improved or unimproved real property that is (1) deeded as an undivided interest in each of the lots of the PUD or subdivision; or, (2) owned by a nonprofit homeowners’ or community association or corporation operated to provide management of a common area with rights to use the area, and passing with the title to each lot of the PUD or subdivision. HHGAC/HTRC
- *HB 258 CONFIDENTIAL ADDRESS PROGRAM ACT (Cote).** Enacts the “Confidential Address Program Act”. Defines “confidential address program” as one whereby domestic abuse victims are entitled to use a substitute address for all purposes. They must apply to the Secretary of State for participation in this program. Recompiles §40-13-11 as Section 3 of this Act. Upon demonstration of a participant’s participation in the program, an agency, state, magistrate, municipal or metropolitan court, county, municipality or any other governmental entity shall accept the Secretary of State as the designated address of the participant for purposes of providing a residential, work or mailing address for the participant. Appropriates \$91,700 from the general fund to the Office of the Secretary of State to implement this Act. EMERGENCY CLAUSE. HJC/HAFC
- HB 261 GRT: SOLAR AND WIND ENERGY EQUIPMENT GROSS RECEIPTS (MH Garcia).** Amends §7-9-54.3 to clarify the definition of “solar and wind generation equipment” for the deduction from gross receipts tax for selling this equipment to governments. Defines the following: 1) “government” as the United States, the state or a governmental unit or subdivision, agency, department or instrumentality of the federal government or the state; 2) “related equipment” means transformers, turbines, blades, circuit breakers and switching and metering equipment used to connect a wind or solar electric generation plant to the electric grid; 3) “solar generating equipment” means solar thermal energy collection, concentration and heat transfer and conversion equipment, solar tracking hardware and software, photovoltaic panels and inverters, support structures, turbines and associated electrical generating equipment used to generate electricity from solar thermal energy and related equipment; and 4) “wind generation equipment” means wind generation nacelles, rotors and supporting structures used to generate electricity from wind and related equipment. HRC
- HB 262 GRT: TAX AND REVENUE DEPARTMENT ADMINISTRATIVE FEE INCREASE (Sandoval).** Amends §7-1-6.41 increasing administrative fees charged by the Taxation and Revenue Department on

revenues from Municipal Local Option Gross Receipts Taxes by ¼%; this increase shall be retained by the Department for audit and collection activities. Effective 7/1/10. HTRC/HAFC

- HB 263** **PROPERTY TAX VALUATION LIMIT (Sandoval)**. Amends §7-36-16 to require county assessors, beginning in 2011 tax year, to implement a program of updating property values on an annual basis; amends §7-36-21.2 to provide for residential property value limits to continue regardless of a change in ownership of the property; for 2011 tax year, the value of a residential property shall not exceed 105% of the value of the property in the 2010 tax year and for the 2012 and subsequent tax years, the value of a residential property shall not exceed 103% of the value of the property in the prior tax year. Provisions of this Act shall apply to residential properties valued for the 2011 and subsequent years. HCPAC/HTRC
- *HB 266** **UNEXPENDED FUNDS FOR NM RECOVERY FUND (Heaton)**. Amends §6-4-2.5 to extend the period to include fiscal years 2010 and 2011 for which certain unexpended general fund appropriations shall be credited to the New Mexico Recovery and Reinvestment Fund. EMERGENCY CLAUSE. HHGAC/HAFC
- *HB 268** **SEVERANCE AND SUPPLEMENTAL TAX BONDS (Trujillo)**. Enacts new material to allow the State Board of Finance to issue and sell severance and supplemental severance tax bonds in an aggregate amount not to exceed \$100 million; the Board of Finance shall transfer the proceeds to the general fund for use by the Department of Finance and Administration in fiscal year 2011 to restore the allotments made from the general fund for capital project general fund appropriations that were enacted in prior sessions of the legislature and that had an expenditure period ending on or after June 30, 2010. Repeals laws 2001, Chapter 37, Section 1. EMERGENCY CLAUSE. HTRC/HAFC
- HB 269** **UTILITY RIGHT-OF-WAY ACCESS FEES (Gutierrez)**. New material authorizes municipalities and counties to impose, by ordinance, a right-of-way access fee on a public utility for use of public property; the ordinance may contain mutually-agreed upon terms and conditions regarding the process for and timing of payments, verifying accuracy of amounts paid and assuring the utility's ability to abide by its obligations. The right-of-way fee shall be expressed as a percentage or as an annual flat fee equivalent to such percentage of the utility's gross revenues either within the municipality or the unincorporated part of the county; the fee shall not exceed four percent unless mutually agreed upon by the parties; gross revenues are the amounts actually collect monthly by the utility but does not include taxes, fees, assessments or other charges billed directly to the customers and excludes revenue received from customers living on Indian or pueblo lands; no ordinance imposing the fee shall become effective until at least 30 days after its adoption, during which time the ordinance shall be published in full twice, not less than seven days apart. The ordinance may impose conditions that may be necessary to assure the use does not unnecessarily obstruct public travel and that the utility complies with zoning and applicable building codes; this Act shall not be construed as invalidating any existing franchise agreement, including existing franchise fees and charges; the local bodies may agree to terminate existing agreements and upon termination, access to public rights-of-way shall be governed by this Act.; amends §3-42-1 to state provisions of the Act do not apply to a public utility whose access to public rights-of-way is granted by statute and not by a franchise agreement; requires the right-of-way fee or similar charge to be stated separately on the customer's bill. Any gross receipts taxes collected on a public utility service shall be stated on a separate line of the customer's bill; removes the requirement that a utility subject to Public Regulation Commission certification file evidence with the Commission that the utility has received the consent and franchise from the municipality or county before construction and operations is proposed. HBIC/HTRC
- HB 273** **PERA: HOSPITAL DISTRICTS AS PUBLIC EMPLOYEES (T. Garcia)**. Amends §10-11-2 of the Public Employees Retirement Act to include special hospital districts in the definition of "public employer". Effective 7/1/10. HRC
- HB 276** **AIR QUALITY CONTROL PERMIT DENIAL (Egolf)**. Amends §74-2-7 of the Air Quality Control Act. The Environment Department may deny any permit application or revoke any permit issued if the applicant or permittee has: 1) knowingly misrepresented a material fact in application for a permit; 2) refused to disclose the information required by the provisions of 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 related to environmental crime or a crime involving or being in restraint of trade, price-fixing, bribery or fraud; 4) constructed or operated a facility for which a permit is sought without a permit required and the emission from the unpermitted facility exceeds the permit requirement threshold by 25% for any pollutant; or 5) had any permit revoked or permanently suspended for cause under the environmental laws of any state or the United States. A disclosure statement shall be filed by an applicant for a permit; however, a person shall not be required to submit a disclosure statement if the person is: the United States or any agency or instrumentality of the United States; a state or any agency or political subdivision of the state; or a corporation or an officer, director or shareholder of the corporation. HHGAC

- HB 277 GRT DEDUCTION: ENERGY GENERATION FACILITY (MH Garcia).** Authorizes eligible generation plant costs from selling tangible personal property or services to a person that holds an interest in a qualified generating facility to be deducted from gross receipts if the holder delivers a nontaxable transaction certificate to the seller; the deduction is known as the “advanced energy deduction”; a “qualified generating facility” is one that begins construction not later than December 31, 2015 and is solar thermal electric, solar photovoltaic electric, geothermal electric, a recycled energy project, or a new or recovered coal-based electric generating facility. Effective 7/1/10. HENRC/HTRC
- HB 279 ELECTED OFFICIALS PUBLIC SERVICE ANNOUNCEMENTS (Arnold-Jones).** Enacts a new section of the Governmental Conduct Act to prohibit officials from using public funds at any time to prepare, publish or broadcast a public service announcement in which the official’s image or name appears or in which the official’s voice is heard; an official shall not permit such a service announcement to be prepared, published or broadcast; defines “official” as persons elected to statewide office, state legislators and local public officials. However, municipal officials are not included in the Governmental Conduct Act so there is a question as to whether this section would apply to municipalities. HRC
- HB 281 COMPENSATING TAX: UNTAXED TRANSACTION GROSS RECEIPTS (B. Lujan).** Same as House Bill 244. Effective 7/1/10. HCPAC/HTRC
- HB 288 HUMAN RIGHTS ACT: COMPENSATION DISCRIMINATION (J Campos).** Amends §28-1-2. Defines “to discriminate in matters of compensation” which means to discriminate between employees on the basis of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or serious medical condition, or if the employer has 50 or more employees, spousal affiliation, within the same place of employment by providing a rate of compensation to employees of a group within one of these categories that is different than the rate of compensation provided to a different or opposite group within the same category for equal work that requires equal skill, effort and responsibility and that is performed under similar working conditions, except where compensation is provided pursuant to: a seniority system, a merit system, a system that measures compensation by quantity or quality of work, or a differential based on a factor other than one of the above categories. HRC
- HJR 10 CA: JUDICIAL STANDARDS COMMISSION MEMBERS (K. Martinez).** Proposes to amend Article 6, Section 32 of the NM Constitution to provide for a municipal judge to sit on the Judicial Standards Commission and to provide for an additional public member. HVEC/HJC
- HJR 11 CA: RECALL OF SOME ELECTED PUBLIC OFFICIALS (Larranaga).** Proposes to amend Article 20 of the NM Constitution to allow the recall of public officials elected to a congressional office or a constitutionally created elective office in the Executive or Legislative branch of government. HHGAC/HVEC/HJC
- HJR 12 CA: PROPERTY TAX VALUATION UPON OWNER CHANGE. (Park)** Proposes to amend Article 8, Section 1 of the NM Constitution to clarify that certain residential property valuation for tax purposes may not change solely because of a change in ownership and that a local jurisdiction limitation in annual valuation increase must be enabled by the Legislature. HVEC/HTRC
- HJR 13 CA: STATE LEGISLATOR TERM LIMITS (Kintigh).** Proposes to amend Article 4, Section 4 of the NM Constitution to limit the number of consecutive terms that state legislators may serve: Senators

limited to three consecutive terms and Representatives limited to six consecutive terms.
HPAC/HVEC/HJC

- HJM 38 STUDY NEED FOR CODE ENFORCEMENT JUDGES (McCoy).** Requests the Administrative Office of the Courts to conduct a study on the need for Class A counties to have a special judge or special master to hear code enforcement cases; a report on the results of the study is to be provided to an interim legislative committee no later than October 1, 2010. HHGAC
- HJM 39 FEDERAL JOB CREATION PLAN (El. Chavez).** Requests the President and the US congress to take proactive steps to create jobs and enact fiscal relief for state and local governments to foster growth, avoid further budget catastrophe, ensure that states perform the core functions that all American families deserve and deliver jobs to Americans on main street; and, that any job creation and state fiscal relief plan include extending the federal medical assistance payments or “federal match” increases for Medicaid, provide additional support for education, boost funding for infrastructure projects and public transportation investments, support the long-term unemployed to sustain them until they reenter the workforce and provide direct financial assistance to state and local governments so they may provide the vital services needed to maintain growth in the local communities across the nation. HLC
- HJM 40 STATE PLANNING AND COMMUNITY DESIGN DEPARTMENT (Gutierrez).** Requests that as the State of New Mexico considers the reorganization of state government, a State Planning and Community Design Department be created with the responsibilities of developing a long-range comprehensive plan for public facilities and public works and for providing community planning assistance. HHGAC
- HJM 42 FELONY ARRESTEES IN COUNTY FACILITIES (King).** Requests the Administrative Office of the Courts to convene a task force and conduct a study to identify ways to increase efficiency and reduce the burden on county detention facilities of housing arrestees held on felony charges or for violations of parole and probation. The study shall consider ways to expedite the judgment and sentencing process, reduce the transfer time of arrestees to prison, expedite the scheduling of probation revocation hearings and identify best practices that maximize the most efficient and effective length of stay for arrestees according to law. Findings and recommendations shall be presented to a Legislative interim committee by November 2010. HJC
- HJM 44 FEDERAL NARROWBAND MANDATE METHODOLOGY (Arnold-Jones).** Requests the Department of Information Technology and the Homeland Security and Emergency Management Department to collaborate with appropriate local government entities to organize a strategy to respond to the federal communications commission mandate, with the Department of Information Technology taking the lead; a report to the legislative interim committee shall be provided by December 1, 2010. HBIC
- HJM 47 PROPERTY TAX LIMITATION TASK FORCE (Sandoval).** Requests creation of a Property Tax Limitation Task Force to address the many issues arising from administration of the property tax and the constitutional language now creating the framework for the property tax; the task force would consist of four members from each house of the legislature and representatives from: the Tax Research Institute; the Taxation and Revenue Department; Department of Finance and Administration; New Mexico Association of Counties and its assessors’ affiliate; New Mexico Municipal League; Retailers Association; members of the public with knowledge in property tax law; Higher Education Department; Public Education Department; and, others who have working knowledge of issues arising from the value limitation on residential property and the Property Tax Code. The Task Force findings and proposed legislation are due to the Revenue Stabilization and Tax Policy interim committee by October 31, 2010. HTRC
- HJM 51 INVEST IN AFFORDABLE HOUSING & MORTGAGES (Maestas).** Requests the State Investment Council to invest at least \$1 billion through New Mexico chartered banks and credit unions to provide funds for affordable housing and to offer below-market interest rates to public workers for new mortgages or to refinance existing mortgages; resolves that the funds for affordable housing be made available to build new homes, remodel existing homes or re-purpose existing properties. HLC

- HM 23** **“HOUSE DISTRICT 8 DAY” (Barela).** Requests the NM House of Representatives to recognize and honor the rich history, current assets and people of New Mexico’s House District 8 by declaring January 28, 2010 as “House District 8 Day”. Includes municipalities of Belen and Los Lunas and other communities.
- HM 27** **“LAS CRUCES DAY” (Cervantes).** Designates February 1, 2010 as “Las Cruces Day” at the New Mexico House of Representatives to honor and showcase the many facets of the City of Las Cruces.
- HM 29** **POLICY FOR DETENTION OF 18-21 YEAR-OLDS (Miera).** Requests the Children, Youth and Families Department to convene a group that includes: jail and juvenile detention center administrators; representatives from the New Mexico Association of Counties; the Administrative Office of the Courts; the Public Defender Department; the New Mexico District Attorney’s Association; the Statewide Entity for Behavioral Health; the New Mexico Association of Chiefs of Police; the Corrections Department; and youth advocates to make recommendations to the Secretary of Children, Youth and Families to create a policy for the detention of youth 18-21 years of age. HJC
- HM 32** **BARRIERS TO HOUSING FOR CONVICTED FELONS (Chasey).** Requests the New Mexico congressional delegation to support and promote measures to eliminate barriers to public housing for convicted felons and certain misdemeanants. HJC
- SB 100** **FIRE PROTECTION FUND FOR VOLUNTEER STIPENDS (Nava).** Amends §59A-53-19 to add paying stipends to volunteer firefighters in underserved areas as another use of the Fire Protection Fund; when considering applications to pay stipends, the Fire Protection Grant Council shall: 1) define underserved areas; 2) ensure the proposed stipend will comply with the federal Fair Labor Standards Act and U.S. Labor Department standards for maintaining volunteer status; 3) require a basic level of training before a volunteer may receive a stipend; 4) consider whether the fire district requires a service commitment from its volunteer firefighters in exchange for stipends; and 5) weigh the application against other criteria or requirements determined by the Council. SCC/SPAC/SFC
- SB 155** **PUBLIC AND SCHOOL EMPLOYEE HEALTH PLANS (Hardin).** Requires the Interagency Benefits Advisory Committee (IBAC) members to cooperatively purchase health insurance plans and related services for the benefit of public and school employees and retirees; participation by municipalities and counties is optional. SCC/SPAC/SFC
- SB 214** **LOCAL LIQUOR TAX IN CLASS A COUNTIES (Rodriguez).** Amends §7-17-2 to increase the amount a small winegrower can produce from 950,000 liters to 1,200,000 liters per year; authorizes the governing body of a Class A County to impose, by ordinance, a local liquor excise tax on spirits, beer, wine, fortified wines and ciders; the tax must be approved by voters and shall not last more than four years. In a county where an incorporated municipality spans into another county, all the voters of that municipality may vote on the question for the initiating county; if approved, the tax shall be imposed throughout the entire municipality and a second local liquor tax from the other county may not be imposed. Effective 7/1/10. SCC/SCORC/SFC
- SB 220** **NO LEGAL DEFENSE FOR CERTAIN STATE EMPLOYEES (Ryan).** Amends §41-4-1 of the Tort Claims Act; a governmental entity shall not provide a defense for a public employee or pay costs and attorneys fees or any settlement or final judgment entered against a public employee when the state is the plaintiff in the action or the action is brought pursuant to the Fraud Against Taxpayers Act. SCC/SJC/SFC
- SB 232** **EXTEND CONCEALED HANDGUN LICENSE TIME LIMIT (Adair).** Amends §29-19-3; a concealed handgun permit time period is increased from four to 10 years; removes the requirement that a permit holder complete a two-hour refresher course every two years; a retired police officer’s concealed handgun carry permit is increased from five to 15 years. Effective 7/1/10. SCC/SPAC/SJC/SFC

- SB 236** **GRT: PHASE OUT OF TAX DEDUCTION FOR FOOD SALES (Smith).** Amends §7-9-92; phases out the gross receipts tax deduction on the sale of foods that are not exempt from the gross receipts tax and are not deductible pursuant to another provision of the Gross Receipts Tax Act; between July 1, 2010 and July 1, 2011, 75 percent of the sales are deductible; between July 1, 2011 and July 1, 2012, 50 percent is deductible and between July 1, 2012 and July 1, 2013, 25 percent is deductible; the taxpayer shall not pass on to a purchaser of food with respect to which the deduction will be claimed a gross receipts tax charge in excess of the amount the taxpayer will owe on the transaction. Repeals the Gross Receipts Tax deduction on the sale of food effective July 1, 2013. SCC/SCORC/SFC
- SB 237** **CAPITAL PROJECTS REVERSIONS AND RE-AUTHORIZATIONS (Harden).** Reverts unexpended balances of capital projects authorized in Laws 2005, Chapter 347 with General Fund and Severance Tax Bonds. SCC/SFC
- SB 239** **GAS SURTAX FOR ROAD CONSTRUCTION (Munoz).** New material imposes a \$.06 per gallon “Roads Equals Jobs Gasoline Surtax” on gasoline delivered in New Mexico and a \$0.6 per gallon “Roads Equals Jobs Special Fuels Surtax” on special fuels; creates the Roads Equals Jobs Fund and distributes 5/6ths of the net receipts of each surtax to the new fund. Proceeds in the Roads Equals Jobs Fund are to be used solely for the acquisition of rights-of-way or planning, designing, engineering, construction, improvements or maintenance of state highway projects; requires the Department of Transportation to annually estimate distributions so that projects shall be funded equally statewide. Distributes 1/6th of the net receipts of both surtaxes to counties and municipalities in the proportion that taxable gasoline and special fuels sales in each of the municipalities and counties bears to the aggregate taxable gasoline and special fuels sales in all municipalities and counties; the distribution shall be paid into separate local road funds and shall be used only for construction, reconstruction, re-surfacing or other improvements or maintenance of public roads, streets, alleys and bridges; the distributions are effective on transactions after July 1, 2010. SCC/SCORC/SFC
- SB 240** **MOTOR VEHICLE TAX FOR HIGHWAY PROJECTS (Munoz).** Amends §7-14-4 to raise the motor vehicle excise tax from three to four percent; creates the Highway Priority Projects Fund and distributes 25 percent of the excise tax to it; authorizes the New Mexico Finance Authority to issue bonds backed by the Fund for a variety of state and local road projects statewide. Effective 7/1/10. SCC/SCORC/SFC
- SB 241** **CREATE THE NATURAL RESOURCE AND ENVIRONMENT DEPARTMENT (Griego, E.).** New material creates the Natural Resources and Environment Department by consolidating the current Energy, Minerals and Natural Resource Department, the Environment Department and the Natural Resources Trustee; transfers functions, appropriations and property to the new Department. SCC/SPAC/SFC
- SB 242** **CREATE THE COMMERCE AND ECONOMIC DEVELOPMENT DEPARTMENT (Griego, E.).** New material creates the Commerce and Economic Development Department by consolidating the current Economic Development Department, the Tourism Department, the Regulation and Licensing Department and the Workforce Solutions Department; transfers functions, appropriations and property to the new Department. SCC/SPAC/SFC
- SB 244** **LOCAL GOVERNMENT AMBULANCE SERVICE COMPENSATION (Sanchez, M.).** Amends §65-2A-8 to authorize the Public Regulation Commission to issue a certificate allowing a county or municipality to provide compensated intrastate ambulance service within its own boundaries upon a showing that the county or municipality is in compliance with the safety and financial responsibility requirements of the Motor Carrier Act, the rules of the Commission and other applicable federal and state laws and rules. SCC/SCORC/SPAC
- SB 246** **PUBLIC EMPLOYEE PENSION CONTRIBUTION INCREASE (Ingle).** Amends §10-11-26.5 to temporarily raise the employee contribution rate for state general member coverage plan 3 for those making more than \$20,000 annually from 6.28 percent to 8.92 percent for the period from July 1, 2010 through June 30, 2011; the employer contribution rate for the same period and for the same group is

lowered from 15.09 percent to 12.45 percent; also raises the employee rate and lowers the employer rate for other state membership coverage plans, including state police, corrections officers, hazardous duty employees and judicial employees. Effective 7/1/10. SCC/SPAC/SFC

- SB 247** **GRT: PHASE OUT FOOD TAX DEDUCTION (Jennings).** Amends §7-1-6.46; between July 1, 2010 and July 1, 2011, the municipal distribution of the Gross Receipts Tax on food (the hold harmless provision) is reduced by 20 percent; between July 1, 2011 and July 1, 2012, the distribution is reduced by 40 percent; between July 2012 and July 1, 2013, the distribution is reduced by 60 percent; between July 1, 2013 and July 1, 2014, the distribution is reduced by 80 percent; and 100 percent on or after July 1, 2014. The bill also reduces the distributions to counties in the same amount over the same period of time. Effective 7/1/10. SCC/SCORC/SFC
- SB 248** **LIMIT CERTAIN TAX CREDITS AND DEDUCTIONS (Jennings).** The bill sets limits for a number of tax credits, including the Renewable Energy Production Tax Credit, the Film Production Tax Credit, the Investment Credit, the Laboratory Partnership With Small Business Tax Credit and others; repeals the Angel Investment Tax Credit and repeals the annual Gross Receipts Tax Credit for sales of tangible personal property for school supplies prior to the beginning of the regular school year. Effective 7/1/10. SCC/SCORC/SFC
- SB 254** **CONSIDERATION OF CRIME CONVICTION FOR JOBS (Harden).** Amends §28-2-3 to add “a board, department or agency of the state or any of its political subdivisions shall not make an inquiry regarding a conviction on an initial application for employment and shall only take into consideration a conviction after the applicant has been selected as a finalist for the position.” SCC/SPAC/SJC
- SB 256** **UTILITY LOCAL RIGHT-OF-WAY ACCESS FEES (Fischmann).** Same as HB 269. SCC/SCORC/SJC
- SB 273** **LOBBYING BY CERTAIN LOCAL OFFICIALS (Sanchez, B.)** New material prohibits a legislator, a public officer or a county or municipal officer holding an elective office from accepting compensation for the purpose of lobbying a legislator or a public officer or county or municipal officer; the prohibition shall not prevent a legislator, public officer or elected county or municipal officer from appearing on behalf of and representing interests of the office to which the legislator or officer was elected; lobbying means being compensated for attempting to influence a decision on a bill, resolution, rule, ordinance, policy or other type of non-adjudicatory official act on which the officer may take action in an official capacity. SCC/SRC/SJC
- *SB 274** **VOID CERTAIN CAPITAL OUTLAY PROJECTS (Sanchez, M.)** Voids certain appropriated capital projects, including Severance Tax Bonds authorizations in Laws 2008, Chapter 92, Section 21, Subsection 9 for an equestrian facility in Albuquerque and Laws 2008, Chapter 92, Section 24, Subsection 31 for improvements to the north Belen interchange. EMERGENCY CLAUSE. SCC/SFC
- SJR 14** **CA: POLITICAL SUBDIVISION ELECTORS (Ortiz y Pino).** Proposes to amend Article 8, Section 9 of the New Mexico Constitution; the section states that no tax or assessment of any kind shall be levied by any political subdivision whose enabling legislation does not provide for an elected governing authority and adds “all qualified electors who are residents of that political subdivision shall be eligible to vote in elections for the governing authority.” SRC/SJC
- SJM 41** **STUDY SUPPORT FOR COMMUNITY FIRE DEPARTMENTS (Nava).** Requests the Local Government Division and the Fire Marshal Division to study potential revenue sources to support community fire departments so that they may continue to provide property- and life-saving services; also requests they study ways for local governments to recruit and retain volunteer firefighters. SRC/SPAC
- SJM 42** **ALL-MAIL BALLOTS OR VOTING CENTERS (Morales).** Requests a task force, chaired by a representative of the County Clerks Affiliate of the New Mexico Association of Counties, and consisting of representatives from the Secretary of State, the New Mexico Association of Counties and the New

Mexico Municipal League study the feasibility of using either all-mail ballots or voting centers on election day to contain rising costs, ensure full participation by the voters, provide professional and efficient administration of elections and maintain full compliance and access for persons with disabilities; requests the results of the study be submitted to the 2011 Legislature. SRC/SJC

SJM 48 **STUDY MUNICIPAL AND COUNTY FRANCHISE FEES (Smith).** Request the Legislative Council to direct the Revenue Stabilization and Tax Policy Committee to study the issues raised by the current franchise fee provisions and make recommendations for appropriate and equitable legislation establishing statutory franchise fees or authorizing imposition by municipalities and counties of a franchise tax. SCORC/SFC

SM 34 **YOUTH ADVISORY BOARDS (Ortiz y Pino).** Encourages the creation of Youth Councils at the incorporated municipality, pueblo and reservation levels and Youth Commissions at the county level; requests school districts, universities and community colleges to work with these councils and commissions to realize the success of future service learning and community and civic engagement programs. SRC/SPAC