

LEGISLATIVE BULLETIN

VOL. 2010-4

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Almost Finished This Year

With just under a week left, the Legislature continues to grapple with finding a fix for the state's budget quagmire. The House passed House Appropriations and Finance Committee Substitute for House Bills 2, 3, 4, 5, and 6 (the General Appropriations Act of 2010) last week and sent the measure to the Senate, where it is currently in Senate Finance Committee. The House also passed House Bill 9, which imposes a one and a half percent surtax on the highest income earners in the state. In addition, the House passed House Taxation and Revenue Committee Substitute for House Bill 119, which increases the state Gross Receipts Tax by an additional one-half percent for four years. The Substitute bill also requires municipalities and counties that impose gross receipts tax increments that do not presently require a referendum to have either a positive or negative referendum as a requirement for imposition of those increments during the same time period. How these tax increases will play in the Senate is anyone's guess.

Several of the League's priority bills saw action this last week. House Bill 30, Capital Outlay Gross Receipts Tax Restrictions introduced by Representative Jim Trujillo passed the House by a vote of 64-0 on Thursday. House Bill 42, Municipal Environmental Gross Receipts Tax introduced by Representative Rodolpho "Rudy" Martinez, is still in the House Taxation and Revenue Committee awaiting further action.

House Bill 226, General Obligation Bond Projects introduced by Representative Jim Trujillo, received a Do Pass recommendation from the House Voters and Elections Committee. The bill contains authorizations for General Obligation Bond funding for several senior center projects statewide. It also contains a \$3 million GO Bond authorization for public library funding statewide. Increasing funding for libraries has been a League priority for several years, and the League thanks the sponsor for his efforts.

Also in House Voters and Elections, House Joint Resolution 10, a proposed Constitutional Amendment that would place a municipal judge on the Judicial Standards Commission introduced by House Majority Leader Ken Martinez, received a Do Pass recommendation. The proposed amendment would increase the number of members of the Commission and make one of the members a municipal judge. The legislature last year passed a measure, which was signed by the Governor, that would effect this change statutorily, but the required Constitutional amendment died on the last day. The League thanks the Majority Leader for his continued efforts in trying to make this change a reality.

Another bill that the League has been closely watching was tabled in a Senate Committee on Wednesday. Senate Bill 247, Food Tax Distribution to Local Government introduced by Senate President Pro Tem Tim Jennings, was unanimously tabled in Senate Corporations and Transportation Committee. This bill would have phased out the hold harmless distributions to municipalities and counties from the receipts of the sale of food and medical services by 2014.

A reminder: The final League *Legislative Bulletin* will not be published next Friday after the session ends on Thursday, February 18. The *Final Bulletin* will be published during the week of February 22. This will give League staff the opportunity to assess the final results of the hectic ending days of this year's legislature.

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

Bill Introductions Through Wednesday, February 10, 2010

- HM 57 MAKE VIOLENT CRIMES A PRIORITY (Maestas).** Resolves that law enforcement agencies across the state be requested to prioritize violent crimes and to require law enforcement officers to file criminal complaints for misdemeanor violent offenses against non-household members when there are credible allegations of the crime; resolves that law enforcement agencies across the state continue to provide training to officers as needed regarding the options available for addressing misdemeanor crimes; cites that as of 2008 civilians can no longer file misdemeanor criminal complaints and encourages law enforcement officers as a matter of public policy to file criminal complaints when there are credible allegations of violence. HJC
- HM 58 CONSEQUENCES OF DOMESTIC VIOLENCE CONVICTION (Cote).** Requests the Domestic Violence Leadership Commission to study the consequences of a conviction of domestic violence to professional licensure or certification; asks the Commission to identify the extent to which licensure or certification restrictions may be currently imposed on the professions of law enforcement, law, education, health care and other professions identified by the Commission following a domestic violence conviction; the Commission also is asked to identify whether other states impose such restrictions and to assess the potential effectiveness of imposing such licensure or certification restrictions. A report of the Commission's findings and recommendations is due to the Governor and appropriate interim committee by November, 2010. HJC
- HM 60 ENACT COMPREHENSIVE IMMIGRATION REFORM (MP Garcia).** Requests Congress to enact comprehensive immigration reform legislation to include, among others, elements to ensure efficient border security, resources to help cities alleviate the economic impact of delivering services to new residents, and resources to help cities integrate new residents into the community. HLC
- HM 61 STATE RAILROAD MUSEUM IN BELEN (Barela).** Requests the Cultural Affairs Department to study the feasibility of designating the Belen Railroad Depot as the State Railroad Museum. HHGAC

- *SB 252** **LIMIT MAYORAL VETO POWER IN SOME CITIES (Morales).** Enacts a new section of the Municipal Code that limits the veto power of the mayor in a charter municipality in which the mayor is also a voting member of the governing body (Gallup) to ordinances passed by the governing body, and the mayor does not have the power to veto resolutions or other actions of the governing body; enacts definitions of “ordinance” and “resolution”; an ordinance is an enactment of the governing body that creates or amends a municipal law of general application that is valid and permanent until repealed; resolution or other action is an enactment of the governing body that expresses the policy of the municipality or relates to matters of special or temporary character, including but not limited to an authorization to expend municipal funds, to establish new funds or positions, to enter into contractual arrangements or to call an election. EMERGENCY CLAUSE. SCC/SPAC/SJC
- SJR 16** **TAOS LAND TRANSFER (Cisneros).** Authorizes the Property Control Division to dispose of real property in Taos County to the Town of Taos by negotiated sale or donation. SRC/SFC
- SJR 17** **CA: REDUCE CERTAIN PROPERTY TAXES (Lopez).** Proposes to amend Article 8, Section 1 of the New Mexico Constitution to allow the legislature to provide by law for a reduction in the total amount of state and local property taxes levied on owner-occupied residential property that has been continuously occupied for at least 15 years by the same individual as the individual’s principal residence; the reduction shall be five percent of the property taxes; for each additional year that the property has been continuously occupied by the individual, the amount of the reduction shall be increased by an additional five percent of the property tax that would have been levied, up to a maximum of 25 percent. The reduction may be authorized statewide or at the option of a local jurisdiction; the burden of proving eligibility for the deduction shall be on the person claiming the deduction. SRC/SJC
- SJM 60** **TAX NEW MEXICO SALES BY REMOTE SELLERS (Griego, P.)** Requests New Mexico’s Congressional delegation to actively promote the enactment of federal law enabling New Mexico to assert its jurisdiction to tax sales into New Mexico by all remote sellers; asks the Governor’s office and Department of Taxation and Revenue to assist the delegation’s efforts. SRC/SCORC
- SM 43** **UNIFORM DOMESTIC ABUSE FORM (Garcia).** Requests the Department of Public Safety to develop, in consultation with local law enforcement agencies statewide, a standard domestic abuse reporting 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; requests the study’s results be reported to the appropriate interim committee no later than October, 2010. SRC/SPAC