

LEGISLATIVE BULLETIN

VOL. 2016-1

JANUARY 22, 2016

30 Days and Lots of Issues

The Second Session of the 52nd Legislature was called to order on Tuesday, January 19 at noon. Governor Susana Martinez gave her State of the State address. As 30-day sessions are normally focused on budget and appropriation matters, the Governor set out a fairly ambitious agenda for lawmakers to consider. She made public safety, education and jobs key points of her address. She also called for tougher penalties for driving while intoxicated and again said the issue of giving driver's licenses to undocumented immigrants is a key issue that the legislature must address in light of a recent proclamation by the federal Department of Homeland Security that within a two-year time frame, New Mexico driver's licenses would not be accepted to board aircraft in the U.S. Several compromise pieces of legislation have already been pre-filed that seek a compromise on the issue.

The Municipal League's legislative priorities for this session were determined by the Board of Directors in late 2015. They include the following:

- **Amendments to the Hold Harmless Gross Receipts Distribution** – Support amendments to provide an additional supplemental distribution where the Local Option Hold Harmless Gross Receipts Tax does not generate enough revenue to equal the hold harmless distribution;
- **Administration of Local Government Gross Receipts Taxes** – Establish a local government unit within the Taxation and Revenue Department to handle the administration and distribution issues affecting cities and counties. This unit would be funded by the existing administrative fee already being charged to local governments;
- **Funding for Municipal Streets, Roads and Bridges** – Municipalities receive a distribution of 2 cents gasoline tax that is earmarked for streets, roads and bridges. That funding has not received an increase in almost 30 years. The League supports an increase in the municipal share of these taxes or the authority to levy a local option gasoline and special fuels tax;
- **Law Enforcement Protection Fund** – Support an increase in funding for law enforcement from the existing Law Enforcement Protection Fund. This Fund is from an existing insurance premium tax;
- **PERA Return to Work Provisions** – Municipalities are experiencing serious shortages in critical areas of our work forces. The League supports legislation that restores “return to work” provisions for law enforcement, fire service, EMS first responders, water and waste water operators, certified electric utility employees and correctional retirees;
- **Local Option Taxes and State Shared Revenues** – Support the continuation of the current distribution of State Shared Revenues and the authority for Local Option Taxes; and
- **Bond Issue for Libraries** – The League endorses the passage of a General Obligation Bond for the funding of Libraries.

To view a list of legislators' telephone numbers and e-mail addresses, visit
http://www.nmlegis.gov/lcs/legislator_search.aspx

LEAGUE OFFICE PARKING DURING THE SESSION

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

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

YOUR LEGISLATIVE BULLETIN

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

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

If you would like to receive the Bulletin electronically, we will send you a link by email each Friday. You can contact Roger Makin via e-mail (rmakin@nmml.org) or by fax (505-984-1392). Please be sure to include your name, title, municipality or agency, mailing address, and e-mail address. The Bulletin will also be posted each Friday on the League’s website at www.nmml.org. We urge you to take advantage of this service in order to reduce mailing costs and time delays.

Municipal officials who receive the **Bulletin** include all mayors, commissioners, councilors, trustees, managers, clerks, municipal judges, police chiefs and many other municipal officials.

The **Legislative Bulletin** contains:

- ◆ a brief review of all bills of municipal interest of which we have received a copy since the prior Bulletin (it will save you and us time if you make a note of the House or Senate Bill number you are interested in);
- ◆ a brief analysis of key legislative developments of the past week;
- ◆ detailed explanations of key municipal bills; and, perhaps,
- ◆ an Action Call if any important municipal bill is scheduled to be heard in committee or on the floor of either house.

Your legislator can be reached by name through the **Legislative Switchboard: (505) 986-4300** in Santa Fe. For those of you on line, the Legislature’s web site also contains the e-mail addresses of those legislators who use the service. That address is: <http://www.nmlegis.gov>. Also check the League’s web site (www.nmml.org) for League information.

CAPITAL PROJECT FUNDING BILLS

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

In past years we have reported these requests as we received the printed copies. The legislature will track all capital outlay requests electronically only. Therefore, we are no longer able to report the requests for you as we had in the past. However, the good news is that all requests will be listed on the legislative web site at nmlegis.gov (click 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. 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 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 she wishes (*line item veto*); if it does not, she 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 9**) 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

HAFC	Appropriations and Finance
HAGC	Agriculture and Water Resources
HBEC	Business and Employment
HEC	Education
HEENC	Energy, Environment and Natural Resources
HGEIC	Government, Elections and Indian Affairs
HHC	Health
HJC	Judiciary
HRPAC	Regulatory and Public Affairs
HRC	Rules and Order of Business
HSCAC	Safety and Civil Affairs
HTPWC	Transportation and Public Works
HWMC	Ways and Means
HCW	Committee of the Whole
HEEC	Enrolling and Engrossing

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

Bill Introductions through Wednesday, January 20, 2016 (Includes Pre-Filed Bills)

HPREF = House Pre-Filed Bill

SPREF = Senate Pre-Filed Bill

***HB 12 PUBLIC PROJECT REVOLVING FUND LOANS (Lundstrom)** Authorizes loans from the Public Projects Revolving Fund for the following municipal projects: **Anthony:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Artesia:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste and special assessment district; **Belen:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Carrizozo:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Clayton:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Cuba:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Dora:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; Encino: building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Española:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Estancia:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Floyd:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Gallup:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Grady:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Grants:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Hatch:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Hurley:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Jal:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Logan:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Lordsburg:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Los Lunas:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Lovington:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Magdalena:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Melrose:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Mesilla:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Moriarty:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Ruidoso Downs:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Ruidoso:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **San Jon:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Silver City:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Socorro:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Taos:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Texico:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Tijeras:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Tucumcari:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Vaughn:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste; **Wagon Mound:** building, equipment, infrastructure, debt finance, land acquisition, water, wastewater, water rights and solid waste.
EMERGENCY CLAUSE. HRC

HB 13 NAVAJO-GALLUP WATER SUPPLY PROJECTS – GF (Lundstrom) Appropriates \$6 million from the General Fund to the Indian Water Rights Settlement Fund for the Navajo-Gallup Water Supply Project. HGEIC/HAFC

- HB 27 FAMILY VIOLENCE ACT EXTENDED PROTECTION ORDER (Gallegos)** New material allows a prosecutor in sentencing a person convicted of criminal sexual penetration to request an order of protection to remain in effect as long as the court has jurisdiction; after an order of protection has expired, the victim may request another order based on the person's conviction; the victim shall not be required to appear before the court and the order may be for any period of time, including life. Effective 7/1/16. HRC
- HB 28 ABUSE AND NEGLECT ACT CHANGES (Gallegos)** Makes several changes to the Abuse and Neglect Act; within 30 days after a child has been taken into custody by law enforcement or when a department files for custody, the department shall exercise due diligence and make reasonable efforts to identify and give notice to all grandparents, siblings and other adult relatives of the child; notice shall give reasons for removal, explain options to relatives, describe requirements for becoming a foster home and give dates for scheduled court hearing; allows the department to determine placement with an adult relative may be in the best interest of the child; maintains confidentiality of records. HRC
- *HB 29 ALLOW LOCAL GOVERNMENTS CURFEW ORDINANCES (Gentry)** New material allows local governments the authority to implement curfew ordinances that are effective between midnight and 5 a.m.; exception include: 1) a child 16 years of age or older; 2) a minor who is emancipated pursuant to law; 3) a child accompanied by a parent, guardian or custodian; 4) a child accompanied by an adult authorized to have custody of a child; 5) a child traveling interstate; 6) a child going to or returning from a school-sponsored function, a civic organization-sponsored function or a religious function; 7) a child going to or returning from work; 8) a child involved in a bona fide emergency; or 9) a child enrolled in or receiving instruction in a private school or home school that does not require attendance at a particular time; curfews must comply with the following: if a child is detained, the law enforcement officer shall promptly attempt to contact the parents or guardians; upon contact, the officer is to deliver the child to the parent or guardian or request the parent come and retrieve the child, but not if returning the child would endanger the health or safety of the child; and if the officer cannot contact the child's parent, the officer shall follow procedures for protective custody. Curfew ordinance shall not impose a criminal sentence; allows a law enforcement officer to take a child into protective custody for violation of a curfew ordinance. EMERGENCY CLAUSE. HRC
- HB 34 POST-THANKSGIVING GRT DEDUCTION (Adkins)** New material allows a gross receipts tax deduction on receipts of sales that: 1) occur during the period beginning at 12:01 a.m. on the first Saturday after Thanksgiving Day and ending on midnight the same Saturday; and 2) the seller has been operating as a business for at least one year and in the most recent five years has an average business income of \$2 million or less. Effective 7/1/16. HRC
- HB 38 CRITERIA FOR DISPOSITION OF PUBLIC PROPERTY (James)** Amends §13-06-1 to determine the net book value of obsolete or worn out tangible personal property from current resale value; that value is to be between \$100 and \$5,000. HRC
- HB 43 PUBLIC SAFETY EMPLOYEE CONTRIBUTION PAYMENTS (Rehm)** Amends §10-7-4; an employer shall pay 100 percent of the employee group insurance contributions due and payable on or after July 1, 2016 for an employee who is injured while performing a public safety function or duty and as a result of the injury, is placed on approved Workers' Compensation leave; a member whose affiliated employer has sufficiently notified the association who was injured shall accrue service credit if: 1) the member is a peace officer covered under Member Coverage Plan 3 and is a state police, an adult correctional officer, a municipal fire member, a municipal police member or a municipal detention officer; 2) the member retains membership in the Association during the period of absence; and 3) the affiliated public employer pays the injured employee's member contribution as well as the employer contribution; the contributions are to be calculated upon the salary at the time of the injury; the public employer is to provide an appeal process for denying of leave. Effective 7/1/16. HRC
- HB 44 DWI FOR CERTAIN DRUGS AND INTERLOCKS (Rehm)** Amends §66-8-102; establishes guidelines for operating a vehicle under the influence of certain drugs or controlled substances; clarifies that ignition interlocks are applicable only to driving under the influence of alcohol; revocation proceedings apply to driving under the influence of alcohol or drugs. Effective 7/1/16. HRC

- HB 47 LEASE OF GOVERNMENT LIQUOR LICENSES (Montoya)** Amends §60-6A-10 to add “qualifying facility” to a place where a governmental entity may sell alcoholic beverages; the governmental entity shall establish the lease fee paid by a lessee at a qualifying facility; a qualifying facility means a place of business where alcoholic beverages may be sold and in locates in an area designate as: 1)a metropolitan redevelopment are; 2) a MainStreet project are; 3) a business improvement district; 4) an arts and cultural district; 5) an enterprise zone; 6) an tax increment development zone; and 7) a skybox. Effective 7/1/16. HRC
- HB 51 FIREARMS TRANSFER ACT (Garcia, M.P.)** New material creates the Firearm Transfer Act dealing with the transfer of firearms at guns show; requires background checks and has exemptions for those checks; provides immunity for a seller who conforms to the background check requirement; provides for penalties for non-conformance; does not require that development of a registry; requires reporting to the National Instant Criminal Background System; provides for a contingent repeal if a federal law becomes effective requiring background checks. HRC
- HB 55 AMEND NM RELIGIOUS FREEDOM ACT (Gallegos)** Amends §28-1-2 of the Human Rights Act to add “free exercise of religion” to mean an act or a refusal to act that is substantially motivated by religious belief; nothing in the Act would burden a person’s free exercise of religion by requiring the person to provide a service or to conduct business in a manner inconsistent with adherence to that person’s sincerely held religious belief unless that adherence is based on race, age, religion, national origin, ancestry, sex, physical or mental handicap or serious medical condition; defines discriminatory action in respect to actions of a taxable nature, government contracts or requiring a person to perform services that conflict with the person’s religious beliefs; would allow businesses to deny services to gay or transgendered people. Effective 7/1/16. HRC
- HB 58 RETIREE HEALTH CARE CONTRIBUTION RATES (Salazar, Roch)** Same as Senate Bill 35. HHC/HAFC
- HB 62 LAW ENFORCEMENT PROTECTION FUND FOR TRAINING (Ruiloba)** Amends §29-13-2.1 to define a regional facility as a certified law enforcement training facility within the state certified by the director of the Law Enforcement Training Academy; includes regional facilities in the annual funding requirements and appropriates \$50,000 to each certified facility; increase the annual distribution per commissioned officer from \$600 to \$1,000; distributions to regional facilities shall only be used for providing basic, advanced or in-service law enforcement training and for the purchase or equipment directly related to that training; appropriates \$50,000 from the General Fund to the Law Enforcement Protection Fund. Effective 7/1/16. HSCAC/HAFC
- HB 63 WORKERS’ COMP BENEFITS AND INTOXICATION (Roch)** Amends §52-1-12.1; compensation benefits otherwise due from an employer to a worker shall be reduced by the degree to which the intoxication or influence contributes to the worker’s injury or death; provides that the reduction shall be a minimum of 10 percent but no more than 90 percent; requires tests by a certified laboratory; the Director shall adopt rules regarding tests, testing and cutoff levels of intoxication; if an employee refuses to take tests, unemployment compensation is not to be paid; requires an employer to adopt written policies. Repeals §52-1-12. HBEC/HJC
- HB 71 SMALL WATER SYSTEM FINANCING (Trujillo, C.)** New material requires at least 10 percent of the total funding from the Water Project Fund shall directly benefit Water Supply Associations subject to the Sanitary Projects Act and that have fewer than 450 water line connection and acequia connections. HRC
- HB 74 DWI TEST, PENALTIES AND LICENSE REVOCATION (Garcia Richard)** Amends §§66-5-5, 29; 33.1; increases the time a person must have a license revocation based on the blood alcohol level; sets new standards for re-instatement of a driver’s license based on ignition interlock test results; if a person is subject to house arrest for a DWI conviction, the person must install a home breathalyzer device and electronic monitoring system paid for by the offender. Effective 7/1/16. HRC

- HB 81 INCREASE CERTAIN DWI PENALTIES (Pacheco)** New material makes it a fourth degree felony for conviction of driving while that person’s license was suspend or revoked for driving under the influence; amends §66-5-41 to make a person who knowingly allows another person to drive a vehicle whose license was suspended or revoked for driving under the influence may be charged as a party to a crime. Effective 7/1/16. HRC
- HB 82 HABITUAL OFFENDER SENTENCING AND DWI (Dines)** Amends §31-18-17 to add felony convictions for DWI to the state’s Habitual Offender statute. Effective 7/1/16. HRC
- HB 83 INCREASE CERTAIN DWI PENALTIES (Barnes, Montoya)** Amends §66-8-101 to make homicide by vehicle a second degree felony; amends §66-8-102 to make an eight or subsequent DWI conviction a second degree felony with a prison term of 12 years, 10 of which may not be suspended, deferred or taken under advisement. Effective 7/1/16. HRC
- HB 91 BACKGROUND CHECK REPORTING FOR FIREARMS (Gentry, Pacheco)** Enacts a new section in Chapter 34, Article 9; the bill requires that the Administrative Office of the Courts notify the FBI’s NICS within 10 days of any court proceedings related to a person’s eligibility to receive or possess a firearm or ammunition. HRC
- *HB 94 REAL ID CARD (García Richard)** Amends §§§ 66-1-4.10, 66-1-4.15, 66-8-1.1 and new material; this bill authorizes issuance of a REAL ID card for identification purposes if a person satisfies the REAL ID Act lawful status documentation requirements. EMERGENCY CLAUSE. HRC
- HB 95 HATE CRIMES AGAINST LAW ENFORCEMENT (Gentry, Pacheco)** Amends §§31-18B-1 and 31-18B-2; the bill amends the Hate Crimes Act to include law enforcement officers as persons against whom crimes motivated by hate may occur. Effective 7/1/16. HRC
- HB 99 DRIVER’S LICENSE ISSUANCE & FEDERAL REAL ID (Nuñez, Pacheco)** Amends §§§§§§§§§§ 66-1-4.4, 66-1-4.10, 66-5-9, 66-5-15, 66-5-21, 66-5-37, 66-5-403, 66-5-405, 66-5-409, 66-8-1.1 and new material; this bill requires driver’s licenses and ID cards comply with federal REAL ID requirements and permits only legal residents to obtain licenses or ID cards. Effective 7/1/16. HRPAC/HJC
- HB 101 LAW ENFORCEMENT FUND FOR TRAINING (Rehm)** Amends §§§§§ 29-13-2.1 and 29-13-4 through 29-13-7; the bill amends sections of the Law Enforcement Protection Fund Act to increase distributions per officer and to add distributions to the law enforcement academy and other training facilities called “regional facilities”. Effective 7/1/16. HRC
- HB 108 RURAL INFRASTRUCTURE TAX CREDIT (Strickler)** Enacts a tax credit that may be taken against modified combined tax liability (gross receipts, compensating tax and other CRS reported taxes) and also against personal and corporate income tax liabilities if the taxpayer has invested \$1million or more in a commercial enterprise project not located within a 10 mile radius of a municipality having a population of 55,000 or more, and that includes the construction of at least one building or the construction of a building and other fixed assets to be used for manufacture of a commercial product, extraction of natural resources for sale or production of commercial products from the processing of raw materials. The commercial enterprise project must produce quantifiable benefits, such as increased employment or new taxes. HRC
- HB 112 CARLSBAD BRINE WELL REMEDIATION (Brown)** Same as SB 8. Effective 7/1/16. HRC
- *HB 123 DRIVER’S LICENSE AND REAL ID ACT COMPLIANCE (Rehm)** Amends § §§§§§§§§§§§ 66-1-4.4, 66-1-4.10, 66-5-9, 66-5-15, 66-5-21, 66-5-37, 66-5-47, 66-5-401 through 66-5-403, 66-5-405, 66-5-409, 66-8-1.1 and new material; this bill requires driver’s licenses to be issued only upon presentation of REAL ID Act compliant identification and proof of lawful status in the US. If proof cannot be supplied, then a person who is otherwise eligible for a driver’s license may be issued a document called a driver’s card. Cards for identification only are also authorized, one for Real ID Act compliant applicants and another for applicants who cannot produce the documentation required by the REAL ID Act. EMERGENCY CLAUSE. HRC

- HB 125 INCREASE MINIMUM WAGE (García, M.)** Amends § 50-4-22; the bill raises the minimum wage from the current \$7.50 beginning on January 1 to \$8.40 in 2017, \$9.20 in 2018 and \$10.10 in 2019. The tip minimum wage applies to workers earning consistently at least \$30 in tips per month and would be increased to 40% of the minimum wage for that year. However, beginning on 1/1/17 and on January 1 of each year thereafter, the increase must be at least equal to the percent increase in the cost of living for urban populations as measured in August of the preceding year. Effective 1/1/16. HRC
- HB 128 BROADBAND TELECOMM FACILITY GROSS RECEIPTS (Trujillo, C.)** Enacts a new section of the Gross Receipts and Compensating Tax Act; the bill creates an exemption from both gross receipts and compensating taxes beginning on 1/1/16. The gross receipts exemption is for receipts from selling components for broadband telecommunications network facilities, including fuel and construction services to construct those facilities; exempt from the compensating tax is the use of components for broadband telecommunications network facilities. HBEC/HWMC
- HB 139 LOCAL GOVERNMENT PLANNING FUND (Gonzales)** Makes an appropriation of \$3 million from the New Mexico Finance Authority administered public project revolving fund to the local government planning fund for expenditure in FY 2017 and thereafter for grants to evaluate and estimate the costs of implementing the most feasible alternatives for infrastructure, water or wastewater public projects or to develop water conservation plans, long-term master plans, economic development plans or energy audits and to pay the administrative costs of the local government planning program. Effective 1/1/16. HRC
- *HB 144 DRIVER'S LICENSES & REAL ID ACT (Bandy)** Amends §§§§§§§§§§§§ 66-1-4.4, 66-1-4.10, 66-5-9, 66-5-15, 66-5-21, 66-5-37, 66-5-47, 66-5-401, 66-5-403, 66-5-405, 66-5-409, 66-8-1.1 and new material; this bill authorizes a "driver's card" be issued to people who are unable to produce documentation required by the REAL ID Act to prove lawful status in New Mexico to be used for identification and driving privileges but not for federal identification. The driver's card cannot be renewed by telephone, mail or electronic means. EMERGENCY CLAUSE. HRC
- HB154 INCREASE MINIMUM WAGE (Roybal Caballero)** Amends §50-4-22; the bill raises the minimum wage from the current \$7.50 beginning on January 1, 2017 to \$15. Beginning on January 1, 2018 and on January 1 of each year thereafter, the increase must be equal to the percent increase in the cost of living for urban consumers as measured in August of the preceding year, but cannot exceed 4 percent in one year. The tip minimum wage is eliminated beginning 90 days after the end of the legislative session. HRC
- HB 160 WASTEWATER SYSTEM FINANCING (Crowder)** An appropriation for purposes of the Wastewater Facility Construction Loan Act; the bill appropriates \$1.4 million from the Public Project Revolving Fund to match federal Clean Water Act project funds and to carry out other purposes of the Wastewater Facility Construction Loan Act. HAWC/HAFC
- *HB 167 NMFA WATER PROJECT FUND PROJECTS (Ezzell)** Authorizes the New Mexico Finance Authority to make loans or grants for the following municipal projects: **Anthony** – flood prevention project; **Corrales** – flood prevention project; **Mesilla** – water conservation or treatment, recycling and reuse project; **Cimarron** - water conservation or treatment, recycling and reuse project; **Los Alamos** - water conservation or treatment, recycling and reuse project; **Carlsbad** - water conservation or treatment, recycling and reuse project; **Hobbs** - water conservation or treatment, recycling and reuse project; **Santa Fe** - water conservation or treatment, recycling and reuse project; **Bernalillo** - water conservation or treatment, recycling and reuse project; **Albuquerque-Bernalillo County Water Utility Authority** - water conservation or treatment, recycling and reuse project; **Belen** - water storage, conveyance and delivery project; **Bloomfield** – water storage, conveyance and delivery project; **Deming** - water storage, conveyance and delivery project; **Eagle Nest** - water storage, conveyance and delivery project; **Jal** - water storage, conveyance and delivery project; **Los Lunas** - water storage, conveyance and delivery project; **Melrose** - water storage, conveyance and delivery project; **San Jon** - water storage, conveyance and delivery project; **Taos** - water storage, conveyance and delivery project; **Truth or Consequences** - water storage, conveyance and delivery project. EMERGENCY CLAUSE. HAWC

- *HB 171** **LAW ENFORCEMENT OFFICERS RETURNING TO WORK (Larrañaga, Ingle)** Amends §10-11-8; the bill amends the Public Employees Retirement Act to allow law enforcement officers who have retired as of December 31, 2015 to return to work after retirement in the PERA system without losing the benefits they would receive during the period that they return to work; provided that the rehired officer is rehired as sergeant or lower rank, works for no more than 5 years and has been retired for a minimum of 90 days. In a class A county, retirees returning to work may comprise no more than 10% of the officers in the county or city law enforcement numbers. EMERGENCY CLAUSE. HRC
- HB 174** **SUSPENSION OF SOME PROPERTY TAX INCREASES (Egolf)** Enacts a section of the Property Tax Code; this bill authorizes a municipal or county governing body to enact an ordinance creating a 10-year suspension of property tax for property within the government's jurisdiction that is to be used for commercial development. The local governments have considerable latitude to determine who would qualify for the property tax suspension. Effective 1/1/16. HRC
- HB 182** **CRIME OF CARGO THEFT (Gonzales)** Enacts new crime of cargo theft; the bill creates a second degree felony for stealing commercial goods being transported by vehicle or stealing any vehicle engaged in the transportation of commercial goods. The penalty for the crime is 9 years imprisonment and a fine not to exceed the value of the property stolen plus the cost of recovery of the stolen property. Effective 7/1/16. HRC
- HB 186** **STUDY EMERGENCY SERVICES FUNDING (Roch)** Makes an appropriation of \$300,000 in FY 2017 to the injury prevention and emergency medical services bureau of the public health division of the department of health to conduct a study in collaboration with the State Fire Marshal to determine how best to support emergency services statewide. Results of the study are to be presented to a legislative committee no later than December, 2016. HHC/HAFC
- HJR 7** **CA: SCHOOL ELECTIONS WITH OTHER ELECTIONS (Bandy)** Proposes to amend Article 7, Section 1 of the New Mexico Constitution; the amendment simply removes wording from Section 1 of Article 7 of the state constitution prohibiting school elections from being held at the same time as any other election. The provision deals with all elections, not just municipal elections. HEC/HJC
- HJR 8** **CA: APPOINTMENT OF PRC MEMBERS (Bandy)** Proposes to amend Article 11 of the New Mexico Constitution to have Public Regulation Commission members appointed by the Governor with the advice and consent of the Senate; members would be appointed at large from the state and serve four-year terms; of the five members, one shall be an attorney, one shall be a licensed engineer, one shall be a certified public accountant, one shall be a person with at least five years' experience working in a regulated industry and one shall be a member of the public. HGEIC/HJC
- HJM 2** **PUBLIC EMPLOYEE BENEFIT BILL MORATORIUM (Trujillo, J.)** Requests a moratorium on legislative proposals regarding administration of PERA benefits; the joint memorial urges that legislators defer consideration of legislation that will affect PERA benefits until after December 31, 2021, unless a financial emergency necessitates changes to benefits for PERA members. HGEIC/HWMC
- SB 2** **AUTOMATIC DRIVER'S LICENSE VOTER REGISTRATION (Sanchez, M.)** Amends §1-4-47; a qualified elector applying for or renewing a driver's license shall be automatically registered to vote unless the applicant affirmatively declines to be registered or does not meet all the requirements for registration; new material requires the Secretary of State to establish rules by which the Motor Vehicle Division to provide information to the Secretary of State of those of those 18 years of age or younger; Secretary of State is to provide that information to county clerks who will notify those persons who will be 18 years of age by the next election as to how to decline registration. SCC/SRC
- SB 7** **MOTOR VEHICLE TAX TO ROAD FUND FOR 4 YEARS (Leavell)** Amends §7-4-10 to make a distribution from the Motor Vehicle Tax to the State Road Fund over a four-year period beginning July 1,

2016 of 10 percent; July 1, 2017 of 40 percent; July 1, 2018 of 70 percent and after July 1, 2019, 100 percent. SCC/SCORC

- SB 8 CARLSBAD BRINE WELL REMEDIATION AUTHORITY (Leavell)** New material creates the Carlsbad Brine Well Remediation Authority that is to set policy and regulation and administer the remediation of the Carlsbad brine well; creates the Carlsbad Brine well Remediation Fund and appropriates \$150,000 from the General Fund. Effective 7/1/16. SCC/SCONC
- SB 21 BRITTANY ALERT FOR ENDANGERED PERSONS (Candelaria)** Amends §29-15-2 to define a Brittany Alert as notification relating to an endangered person who is a missing person and there is a clear indication that the person has a developmental disability and that the person's health or safety is at risk; new material requires the Department of Public Safety to issue an alert after review of investigation of a missing person report and makes an independent determination that the person is subject to an alert; requires the Department to develop and implement alert procedures. Effective 7/1/16. SCC/SPAC
- SB 31 TECHNOLOGY READINESS GROSS RECEIPTS CREDIT (Cisneros)** New material authorizes a gross receipts tax credit prior to July 2, 2027 for a taxpayer that is a national laboratory that provides technology readiness assistance to a business that is registered to do business in New Mexico and has licensed a technology from the national laboratory; maximum amount per national laboratory is \$2.5 million. Effective 7/1/16. SCC/SCORC
- SB 33 CAPITAL OUTLAY PLANNING & MONITORING ACT (Cisneros)** New material creates the Capital Outlay Planning and Monitoring Act and creates the Capital Outlay Planning Council; committee is to prepare a five-year state capital improvements plan with priorities for projects. Effective 7/1/16. SCC/SPAC
- SB 35 RETIREE HEALTH CARE CONTRIBUTION RATES (Kernan)** Amends §10-7C-15 to raise the Retiree Health Care contribution by employers and employees through 2019; regular plan employers' contributions would increase to 2.75 percent by July 1, 2019 and regular plan employees' contribution would increase to 1.375 percent by July 1, 2019; for enhanced plans, the employers' contribution would be 3.438 percent by July 1, 2019 and an enhanced employee's contribution would be 1.719 percent by July 1, 2019. Effective 7/1/16. SCC/SPAC/SFC
- SB 45 CREATE CRIME OF DRIVING WHILE INTOXICATED WITH MINOR IN CAR (Torraco)** New material create the crime of driving while intoxicated with a minor in the vehicle; minor is anyone 18 years or younger; violation is a misdemeanor. Effective 7/1/16. SCC/SJC/SFC
- *SB 48 WEB-BASED CAPITAL OUTLAY PUBLICATION (Rue)** New material requires the Legislative Council Service to publish on its web site a searchable listing of capital projects and the names of legislators or the Governor who allocated a portion of the capital outlay appropriation or bond authorization for each project. EMERGENCY CLAUSE. SCC/SRC/SFC
- SB 53 SANTA FE LAW-ENFORCEMENT-ASSISTED DIVERSION – GF (Rodriguez)** Appropriates \$300,000 from the General Fund to the Local Government Division for general support for law-enforcement-assisted diversion in the City of Santa Fe. SCC/SJC/SFC
- SB 56 LOCAL GOVERNMENT TREASURER INVESTMENTS (Rodriguez)** Amends §6-10-10 to allow county and municipal treasurers to make investments in federally insured obligations, including brokered certificates of deposit, certificate of deposit account registry services and federally insured cash accounts. SCC/SCORC/SFC
- SB 59 TAX DEVELOPMENT DISTRICT NOTICE TO TREASURERS (Rodriguez)** Amends §5-15-9; if a tax development district is approved by voters, requires the governing body to deliver a copy of the formation resolution to several entities, including the county treasurer. SCC/SCORC/SFC

- SB 66 BEHAVIORAL HEALTH EMT TRAINING (Ortiz y Pino)** New material requires the Secretary of Health, by October 1, 2016, to provide for enhanced training in behavioral health services for emergency medical technicians statewide; appropriates \$100,000 from the General Fund to the Department of Health for the training. SCC/SPAC/SFC
- SB 72 RIGHT TO FARM AND OPERATIONS AS NUISANCE (Ingle)** Amends §47-9-3 concerning agricultural operations and local nuisance ordinances; no cause of action based upon nuisance may be brought by a person whose claim arose following the purchase, lease or rental of property proximate to a previously established agricultural operation or agricultural facility, except when such previously established agricultural operation or facility has substantially changed in the nature and scope of its operation. SCC/SCONC/SJC
- SB 89 PUBLIC BODY SECURITIES SALES (Cervantes)** New material authorizes a public body to adopt an authorizing instrument that delegates the power to one or more members, officers or employees of the public body to act in a fiduciary capacity concerning the parameters and conditions of public securities; the authorizing instrument shall be effective for 180 days or a shorter period. Effective 7/1/16. SCC/SCORC/SJC
- SB 93 ENERGY EMPLOYEE HEALTH PROGRAM GROSS RECEIPTS (Sanchez, C.)** Prior to July 1, 2026, receipts from payments from a compensation program established by the federal Energy Employees Occupational Illness Compensation Program Act of 2000 for provision of medical and other health and palliative services by a home health agency to covered beneficiaries may be deducted from gross receipts. Effective 7/1/16. SCC/SCORC/SFC
- SB 94 LOCAL OPTION DISTRICT SPRIT SALES ELECTION (Soules)** Amends §60-6A-4 to allows local option districts to approve the sale of beer and wine and New Mexico-produced spirits; a local option district's approval of the issuance of restaurant licenses shall apply to all restaurant licenses issued in that local option district. SCC/SRC/SCORC
- SB 102 WASTEWATER SYSTEM FINANCING (Martinez)** Appropriates \$1.4 million from the Public Project Revolving Fund to the Wastewater Facility Construction Fund to provide matching funds for federal Clean Water Act projects. SCC/SCONC/SFC
- *SB 106 NMFA WATER PROJECT FUND PROJECTS (Cervantes)** Authorizes the New Mexico Finance Authority to make loans or grant for the following municipal water projects: **Anthony:** flood prevention project; **Corrales:** flood prevention project; **Mesilla:** water conservation, recycling or reuse project; **Cimarron:** water conservation, recycling or reuse project; **Los Alamos:** water conservation, recycling or reuse project; **Carlsbad:** water conservation, recycling or reuse project; **Hobbs:** water conservation, recycling or reuse project; **Santa Fe:** water conservation, recycling or reuse project; **Bernalillo:** water conservation, recycling or reuse project; **Albuquerque-Bernalillo County Water Authority:** water storage, conveyance and delivery project; **Belen:** water storage, conveyance and delivery project; **Bloomfield:** water storage, conveyance and delivery project; **Deming:** water storage, conveyance and delivery project; **Eagle Nest:** water storage, conveyance and delivery project; **Jal:** water storage, conveyance and delivery project; **Los Lunas:** water storage, conveyance and delivery project; **Melrose:** water storage, conveyance and delivery project; **San Jon:** water storage, conveyance and delivery project; **Taos:** water storage, conveyance and delivery project; **Truth or Consequences:** water storage, conveyance and delivery project. EMERGENCY CLAUSE. SCC/SCONC/SFC
- SB 109 MULTIPLE SOURCE CONTRACT DOLLAR LIMIT (Ryan)** Amends §13-1-154.1; increases the limit for multiple projects under a single request for proposal from \$2 million to \$20 million over a four-year period; increases the amount for one purchase order under the contract from \$500,000 to \$2 million. Effective 7/1/16. SCC/SCORC/SJC
- SB 116 GALLUP VETERANS' SERVICES (Muñoz)** Appropriates \$70,000 from the General Fund to the Veterans' Services Department for the salary and benefits for one full-time equivalent position to provide veterans' services in Gallup. SPREF

- SB 118 INCREASE DWI PENALTIES (Muñoz)** Amends §66-8-102; increases the penalties for a fourth, fifth, sixth, seventh and eighth and subsequent DWI convictions; an eighth or subsequent conviction has a term of imprisonment of 12 years, 10 of which may not be suspended, deferred or taken under advisement. Effective 7/1/16. SPREF
- SB 119 LAW ENFORCEMENT FUND FOR OFFICER RETENTION (Muñoz)** Amends §29-13-7; until June 30, 2021, lump-sum payments from the Law Enforcement Protection Fund may be made to municipalities that request such payments for the purpose of retaining uniformed law enforcement officers who: 1) perform patrol duties; 2) are certified; and 3) have 20 or more years of actual service credit earned under a Municipal Police Coverage Plan that are received by the officer pursuant in an amount that is matched by a municipality or county and shall not constitute base salaries or wages to be considered a salary or used for determining pensions under PERA. Effective 7/1/16. SPREF
- *SB 122 GENERAL OBLIGATION BOND PROJECTS (Cisneros)** Authorizes General Obligation Bonds for a variety of municipal projects statewide to be voted on during the 2016 general election. EMERGENCY CLAUSE. SPREF
- SJR 1 CA: DENIAL OF BAIL FOR CERTAIN FELONIES (Wirth)** Proposes to amend the New Mexico Constitution to allow denial of bail by a court of record pending trial for a defendant charged with a felony if the prosecuting authority requests a hearing and proves by clear and convincing evidence that no release conditions will reasonably protect the safety of any other person or the community; a person who is not a danger and is otherwise eligible for bail shall not be detained solely because of financial inability to post a money or property bond. SPREF
- SJR 5 CA: USE & TAX OF MARIJUANA & REVENUE (Ortiz y Pino)** Proposes to amend Article 20 of the New Mexico Constitution to allow possession and personal use of marijuana by persons 21 years of age or older; the legislature shall provide by law for the production, processing, transportation, sales, taxation and acceptable quantities and places of use of marijuana and hemp; any state revenue generated from the sale off marijuana shall be used to fund the state’s Medicaid Program or drug and alcohol rehabilitation programs. SPREF
- SJR 6 CA: USE, REGULATION, SALE & TAX OF MARIJUANA (Ortiz y Pino)** Exactly the same as SJR 5 except there is no dedication of state revenues to Medicaid or drug and alcohol rehabilitation programs. SPREF
- SJR 8 CA: COMPEL LEGISLATIVE TESTIMONY AND WITNESSES (Cervantes)** Proposes to amend the New Mexico Constitution to add a section authorizing each house of the legislature and any committee or joint committee to compel the attendance and testimony of a witness before either house or committee or to command a person to produce documents, electronically stored information or tangible items in that person’s custody or control. SPREF
- SJM 3 PUBLIC EMPLOYEE BENEFIT BILL MORATORIUM (Muñoz)** Requests a moratorium on the consideration of legislation affecting benefits administered under the Public Employees Retirement Act through December, 2021 unless an unforeseen emergency resulting in a drastic downturn in the economy or investment markets occurs; further requests legislative committee members defer any proposed legislation affecting benefits administered under PERA. SPREF