

## LEGISLATIVE BULLETIN

VOL. 2012-1

JANUARY 20, 2012

### **30-Day Legislative Session Begins**

Governor Susana Martinez gave her second State of the State address on Tuesday, the opening day of the 2<sup>nd</sup> Session of the 50<sup>th</sup> Legislature. The Governor laid out several areas she wants the Legislature to address during this 30-day session that normally focuses on finance and appropriation matters. Some of the issues the Governor identified include education reform, which involves establishing an A through F grading system for public schools, reading reforms and increasing salaries for the state's best teachers. Another issue is funding for Medicaid and additional funding for expenses for nursing homes in the state in light of Medicare funding cuts. Governor Martinez also noted several areas regarding economic development she will ask the Legislature to address: exempting roughly half of New Mexico's small businesses – those earning less than \$50,000 a year – from the state's gross receipts tax; a tax credit for high-tech research and development to attract more high-paying jobs; addressing possible reforms concerning tax pyramiding, or business-to-business taxes the consumer ultimately pays; and a \$1,000 tax credit for employers who hire veterans returning home from Deployment. Another issue she will put on her call is regulation of the sale and use of fireworks.

The Governor said she has signed an executive order prohibiting state government from doing business with companies involved in corruption. She proposed having public officials convicted of corruption be removed from office immediately, lose their public pensions and be barred from doing business with the state. She called for an increase in penalties for child abuse, tougher DWI laws that include vehicle seizures and ending the practice of issuing driver's licenses to illegal immigrants.

#### **2011-2012 NMML LEGISLATIVE PRIORITIES**

The New Mexico Municipal League Board of Directors met October 1 to set legislative priorities for the 2012 30-day legislative session. The Board looked at the 46 Annual Resolutions and 2011 Statement of Municipal Policy adopted by the League's membership during the 2011 Annual Conference in August. Since the 2012 Legislature is a 30-day session and is restricted only to appropriations and finance issues, many of the Resolutions adopted this year would not be germane to the session unless they were added to the Governor's "call," which are issues she asks the Legislature to specifically address. Our main legislative priorities are as follows:

Retention of municipal revenues and maintaining local taxing authority are the League's main legislative priorities for the coming session. Local government financial conditions remain vulnerable and protecting revenue sources is of primary concern. Funding local government services takes an ever-increasing amount of ingenuity in light of the national and state economies. Preserving local governments' taxing authority is a key element in maintaining basic municipal services and funding governmental operations.

New Mexico public libraries provide books and other services to meet the educational, informational, cultural and recreational needs of all New Mexicans. Support for library funding has historically been a League priority, and it remains so this year. The League will support introduction of legislation to place a \$29.6 million General Obligation Bond before voters in the 2012 General Election to fund libraries statewide.

The Legislature in 2003 enacted the Convention Center Financing Act that allows certain municipalities to impose a fee on lodging rooms to finance convention centers. The League, as a priority, will seek legislation to amend the Act to allow any municipality, regardless of size, to enact such a fee to defray the cost of construction, expansion or operation of convention centers.

The League's third legislative priority concerns fireworks and their potential effects on public safety. During the recent Special Session, legislation was introduced that would give municipalities and counties the authority to ban fireworks during times of extreme drought. The League will support fireworks legislation if introduced again.

The League looks forward to working with the Legislature and the Governor during the 2012 legislative session.

**SPECIAL NOTE:** The League has updated our web site to be more user-friendly and timely. The address is still the same ([www.nmml.org](http://www.nmml.org)) but the site contains several new features. Copies of each week's *Legislative Bulletin* will be posted under the drop-down menu "Legislative News." We urge you to check out the new site.

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## 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](mailto: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](http://www.nmml.org). Daily analysis of newly-introduced bills will also be posted on the website under Legislative News. We urge you to take advantage of this service in order to reduce mailing costs and time delays.*

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

The **Legislative Bulletin** contains:

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

Your legislator can be reached by name through the **Legislative Switchboard: (505) 986-4300** in Santa Fe. For those of you "On Line," the Legislature's web site also contains the e-mail addresses of those legislators who use the service. That address is: <http://www.nmlegis.gov>. Also check the League’s web site ([www.nmml.org](http://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](http://legis.state.nm.us) (click on Bill Finder on the left, then on Capital Outlay). Each request is listed under the appropriate county and then alphabetically by title and includes the description of the request along with the dollar amount. Legislative Council Service will be updating the information every Tuesday and Friday evenings so the new introductions will be available for you early on Wednesdays and Saturdays. We checked the site today and think you will find it an easy way to find your special projects. As always, you can contact your legislators directly to find out when your project will be scheduled for hearing.

## BIOGRAPHY OF A BILL

A bill is introduced by a sponsoring legislator on the floor of either house, numbered by the clerk and referred for consideration to one or more committees of that house. The deadline for introduction of all bills except appropriations bills or bills requested by the Governor (*special messages*) is Noon on the 15th day of a 30-day session (**February 1**). Committee recommendations usually determine the success or failure of a bill. A bill may be amended in committee or on the floor at any point in the process — sometimes changed so severely that its own author would not recognize it — or a substitute measure with the same number and general subject matter may be put in its place.

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

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

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

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

A bill that has been passed in some agreed-upon form by both the House and the Senate goes to the Governor for signature. The Governor may choose to sign or to veto the bill. If the bill contains an appropriation, the Governor may veto portions if he wishes (*line item veto*); if it does not, he may only veto the entire bill. If vetoed, 2/3 of the House and 2/3 of the Senate must vote in favor of the bill in order to override the veto. If the veto override fails, the bill is dead. Most bills do not reach the Governor's desk before the Legislature adjourns (**Noon, February 16**). The Governor has 20 days following the close of the session (**Noon, March 7**) 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)

	<b>HOUSE COMMITTEES</b>		<b>SENATE COMMITTEES</b>
HAFC	Appropriations and Finance	HVEC	Voters and Elections
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, January 18, 2012

- HB 20 ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION (Stewart).** Enacts 10 new sections, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act; amends §40-13-6. Requires a New Mexico tribunal to enforce a valid, currently in effect, foreign protection order; requires a law enforcement officer to enforce a foreign protection order after determining there is probable cause to believe the order exists and that it has been violated; presentation of the order that identifies both the protected individual and the respondent that, on its face, is currently in effect constitutes probable cause; the protection order may be written or have been stored in an electronic or other medium if it is retrievable in perceivable form; the officer may consider other information in determining probable cause if the foreign protection order is not presented; if the officer determines the order cannot be enforced because the respondent has not been notified or served, the officer shall inform the respondent, make a reasonable effort to serve the order and allow the respondent a reasonable opportunity to comply with the order before enforcing it; registration or filing of a foreign protection order in New Mexico is not required for its enforcement; sets requirements for registration of a foreign protection order for persons wishing to register their order. Prohibits a state agency, court or political subdivision of the state, including magistrate and municipal court, judicial district, law enforcement agency, county, municipality, or home-rule municipality from making public on the internet any information regarding the registration, filing a petition or issuance of a protection order, restraining order or injunction, whether the filing or issuance occurred in New Mexico or any other state if it is likely to reveal the identity or location of the protected party. Allows for inter-agency sharing of information; the Act applies to protection orders issued before July 1, 2012 and to continuing actions for enforcement of foreign protection orders commenced before July 1, 2012. Effective 7/1/12. HRC
- HB 22 GRT & LIMITED MOTOR VEHICLE TAX EXEMPTION (Trujillo).** Amends §§7-9-22, 7-9-23, 7-9J-2 & 7-14-6 to provide for a Motor Vehicle Excise Tax exemption for qualified plug-in electric drive vehicles until 2016; also provides for a gross receipts tax exemption for qualified plug-in electric drive vehicles, as defined in the Act. Effective 7/1/12. HBIC/HTRC
- HB 25 MV: AIRBAG REQUIREMENTS (Rehm).** Enacts new material in the Motor Vehicle Code. Makes it unlawful for a person to: 1) knowingly fail to install an airbag in a motor vehicle after representing to another person that the person will install an airbag; 2) knowingly install a counterfeit airbag in a motor vehicle; 3) make or sell a counterfeit airbag to be installed in a motor vehicle; 4) represent to another that a counterfeit airbag is not counterfeit; 5) intentionally alter an airbag in a manner that causes the airbag to become a counterfeit airbag; 6) sell a motor vehicle containing a counterfeit airbag without first warning the purchaser, in writing, of the counterfeit airbag and the safety hazards associated with the airbag; 7) rent or offer for hire a motor vehicle that is not equipped with airbags that meet all applicable federal safety regulations for the make, model and year of the vehicle; or 8) assist another in violating the provisions of this Act. Penalties include: first conviction – a misdemeanor; second or subsequent conviction – 4<sup>th</sup> degree felony; if a person causes greatly bodily harm to a human being as a result of a violation of this Act – 3<sup>rd</sup> degree felony. Defines “counterfeit airbag” as an airbag that does not meet all applicable federal safety regulations for an airbag designed to be installed in a motor vehicle of a particular make, model and year. Effective 7/1/12. HRC
- HB 27 MV: UNLAWFUL DRUG AMOUNTS FOR DRIVING (Rehm).** Amends §66-8-102 prohibiting a person from driving a vehicle in this state if the person has the following amount or more of a controlled substance or metabolite in the person’s blood within three hours of driving the vehicle and the controlled substance or metabolite concentration results from consumption of a controlled substance before or while driving the vehicle: 1) for amphetamine, one hundred nanograms per milliliter of blood; 2) for cocaine, fifty nanograms per milliliter of blood; 3) for cocaine metabolite, cocaethylene, fifty nanograms per milliliter of blood; 4) for heroin, fifty nanograms per milliliter of blood; 5) for heroin metabolite, morphine, fifty nanograms per milliliter of blood; 6) for heroin metabolite, 6-monoacetyl morphine, ten nanograms per milliliter of blood; 7) for methamphetamine, one hundred nanograms per milliliter of blood; or 8) for 3,4-methylene dioxymethamphetamine, one hundred nanograms per milliliter of blood.

Also provides for an ignition interlock requirement for offenders with any alcohol concentration in their blood or breath within three hours of driving. Effective 7/1/12. HRC

- HB 28 RESERVE OFFICER ACT (Rehm).** New material creates the Reserve Officer Act that defines a reserve officer as a volunteer or a temporary or part-time employee of the state or local law enforcement agency who is certified as a reserve officer by the New Mexico Law Enforcement Academy Board and who is not a member of the New Mexico Mounted Patrol; sets out qualifications that include: 1) a U.S. citizen who has reached the age of majority; 2) has a high school diploma or equivalent; 3) has a valid driver's license; 4) has not been convicted of a felony or a violation of federal, state or local ordinance relating to aggravated assault, theft, DWI or crimes of moral turpitude; 5) has not been dishonorably discharged from military service; 6) has good moral character; 7) has completed the certification training; and 8) has met all other requirements prescribed by the Board. A reserve officer commissioned by the state or local law enforcement agency shall have the powers of a police officer when working with supervision from a full-time salaried on-duty certified officer; the powers and authority of a reserve officer extend only to the scope and duration of the officer's specific assignment. The Board shall adopt a basic law enforcement training program that shall consist of no more than 500 hours; a reserve officer is not required to meet the same physical requirements as a regular officer, but shall test at 50 percent of those abilities; the Director shall accept an applicant's previous law enforcement training if it met the standards of the Board at the time of training; a person who began service as a reserve officer prior to July 1, 2012 may be exempted from the basic law enforcement training program at the Director's discretion; requires in-service training for reserve officers every two years; every law enforcement agency shall submit quarterly reports to the director on the status of its reserve officers. The bill provides for a mechanism for the Board to suspend or revoke a certification under certain conditions; amends §31-1-2 to include a commissioned certified reserve officer in the definition of police officer; includes a certified reserve officer commissioned by a governmental entity in the definition of law enforcement officer in the Tort Claims Act. Effective 7/1/12. HRC
- HB 32 REPEAL SECTION OF FIREARM CRIMINAL CODE (Rehm).** Repeals a section of the Criminal Code that allows residents of New Mexico to purchase firearms in contiguous states and residents of contiguous states to purchase firearms in New Mexico. Effective 7/1/12. HRC
- HB 34 RULEMAKING REQUIREMENTS (Gentry/Keller).** Amends §14-4-2 of the State Rules Act to include new definitions. The definition of "provide to the public" includes specific ways to distribute the rulemaking information by: posting it on the agency web site, if any; posting it on the sunshine portal; making it available in the agency's district, field and regional offices, if any; sending it by mail or electronic mail to persons making a written request; and providing it to the NM legislative council for distribution to appropriate interim committees. "Provide to the public" may include distribution of information: in languages other than English; to agencies of local and tribal governments; to community, interest group and trade publications; to public facilities, such as community centers and libraries; to radio and television outlets for use in public service announcements; for publication in a newspaper of general circulation. Enacts 12 pages of new material to include procedures for: developing agendas; appointing a rule drafting committee; providing notices for proposed rulemaking; public participation, comments and rule making hearings; recording rulemaking proceedings; dealing with variances between the proposed and final action of rulemaking; and establishing time limits on the adoption of a proposed rule. Amends §14-4-3 to allow the state records administrator to make minor, nonsubstantive corrections in spelling, grammar and format in filed rules; the state records administrator shall make a record of the correction and shall deliver the record to the filing agency and issuing authority within 10 days of the change. Repeals §14-4-5.1 of the Act. HRC
- HB 35 PUBLIC MEETING AGENDAS 72 HOURS PRIOR (Smith).** Amends §10-15-1 of the Open Meetings Act to require agendas to be available to the public at least 72 hours prior to a public meeting (from 24 hours). HRC
- HB 36 DWI LIQUOR EXCISE TAX (O'Neill).** Amends §7-1-6.40 to provide for a distribution of three and one-half percent of the net receipts attributable to the liquor excise tax, exclusive of penalties and interest,

to the Administrative Office of the Courts to supplement funding of drug courts. Effective 7/1/12. HBIC/HTRC

- HB 37 JUVENILE PUBLIC SAFETY BOARD MEMBERS (O'Neill).** Amends §32A-7A-2 to provide that the Juvenile Public Safety Advisory Board consist of no fewer than three and no more than seven members; amends §32A-7A-5 adding a provision that an employee of the Children, Youth and Families Department shall not be designated to serve as chair or vice chair of the Board. Effective 7/1/12. HHGAC/HAFC
- \*HB 39 DRINKING WATER SYSTEM FINANCING (White).** Appropriates \$2 million from the Public Project Revolving Fund to the Drinking Water State Revolving Loan Fund for FY 2012 and subsequent fiscal years to provide state matching funds for federal Safe Drinking Water Act projects and to carry out the purposes of the Act. EMERGENCY CLAUSE. HENRC/HAFC
- HB 43 ADDITIONAL SERIOUS VIOLENT FELONIES (Kintigh).** Amends §33-2-34 to provide that a person convicted of an attempt, solicitation or conspiracy to commit a serious violent felony be eligible to earn meritorious deductions at the same rate as a person convicted of a serious violent felony. Effective 7/1/12. HRC
- HB 44 INCREASE 2<sup>ND</sup> DEGREE MURDER PENALTY** Amends §31-18-15 increasing the penalty for 2<sup>nd</sup> degree murder to 25 years imprisonment. Effective 7/1/12. HRC
- \*HB 46 NMFA PUBLIC PROJECT FUND PROJECTS (Lundstrom).** Authorizes the New Mexico Finance Authority to make loans from the Public Project Revolving Fund for the following municipal projects: **Albuquerque-Bernalillo County Water Utility Authority:** building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects; **Albuquerque:** rail spur, water rights, road, public improvement district, building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater and solid waste; **Angel Fire Improvement District:** building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste and road projects; **Angel Fire:** water, wastewater, water rights, solid waste, building, equipment, infrastructure, debt refinance, land acquisition and special assessment district projects; **Aztec:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, solid waste and road projects; **Bernalillo:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Bloomfield:** building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects; **Edgewood:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Estancia, Moriarty, Willard Gas Coop:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Eunice:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Folsom:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Las Vegas:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Los Alamos:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road, solid waste, public improvement district and special assessment projects; **Milan:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Mosquero:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Pecos:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Portales:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Raton:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects; **Roy:** building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects. If a qualified entity has not certified to the NMFA by the end of FY 2015 its desire to continue to pursue a loan for a listed project, the legislative authorization is void. EMERGENCY CLAUSE. HRC

- HB 47 GRT DEDUCTION: LOCOMOTIVE FUEL (Lundstrom).** Expands the gross receipts tax and compensating tax deductions for locomotive fuel by reducing the amount of capital investment necessary to be eligible for the deduction from \$100 million in new construction or renovations to \$50 million or more in infrastructure improvements, including refueling facilities, railroad track signals and supporting railroad network, located in New Mexico. HTPWC/HTRC
- HB 48 ELIMINATE SOME TRIBAL GAS TAX DEDUCTIONS (Larrañaga).** Amends §§7-13-2 & 4. Eliminates the current gasoline tax deduction for gasoline received in New Mexico and sold at retail by a registered Indian tribal distributor. Repeals §§7-13-4.4 and 67-3-8.1. Effective 7/1/12. HTPWC/HBIC/HTRC
- HB 49 MOTOR VEHICLE TAX TO STATE ROAD FUND (Larrañaga).** Provides for an additional distribution of the Motor Vehicle Excise Tax to the State Road Fund; use of the distribution is limited to pavement preservation, rehabilitation or reconstruction and bridge replacement and rehabilitation projects as identified by the Department of Transportation's current statewide transportation improvement program; the distribution shall not be used for debt financing or debt service in relation to those projects. Effective 7/1/14. HTPWC/HTRC/HAFC
- HB 52 GRT DEDUCTION: CHILD DAYCARE (Trujillo).** Enacts a new deduction from gross receipts tax for receipts from the state for fees paid to a provider of child daycare services for families qualified to receive assistance from the state to pay for all or part of child daycare services. Deduction is until July 1, 2020. Effective 7/1/12. HHGAC/HTRC
- \*HB 55 LOCAL GOVERNMENT PLANNING FUND (Crook).** Appropriates \$1 million from the Public Project Revolving Fund to the Local Government Planning Fund administered by the New Mexico Finance Authority to fund local government planning for water or wastewater system development, economic development or long-term water management and water conservation strategies. EMERGENCY CLAUSE. HHGAC/HAFC
- HB 56 HOMICIDE & BODILY HARM BY BOAT (Roch).** Amends §§66-8-10, enacts one new section. Enacts new crimes of homicide and great bodily harm by boat; makes these crimes committed while under the influence of intoxicating liquor or drugs 3<sup>rd</sup> degree felonies; increases the basic sentence by four years for each prior DWI conviction, as defined, within 10 years of the occurrence. Effective 7/1/12. HRC
- HB 60 THIRD DEGREE AGGRAVATED BATTERY CHANGE (Begaye).** Amends §§30-3-5 & 16. Includes strangulation under the crimes of aggravated battery and aggravated battery against a household member that are subject to a 3<sup>rd</sup> degree felony penalty. HRC
- HB 61 GRT DISTRIBUTION FROM FIREWORKS (Begaye).** Enacts one new section. Makes a distribution of 60% of the gross receipts and compensating tax revenues from the sale of fireworks to a newly created Wildlands Fire Prevention Fund; monies in the Fund go to the state Forestry Division for wildlands fire prevention projects. "Wildlands" includes forests, bosques and brush-covered lands. HRC
- HB 67 NATIONAL BACKGROUND CHECKS FOR CONCEALED GUNS (Hall, JC).** Amends §29-19-2, the Concealed Handgun Carry Act. Requires the Department of Public Safety include a report from the National Instant Criminal Background Check System when conducting their required national background check for the purpose of issuing and renewing concealed handgun licenses. HRC
- HB 70 GRT DEDUCTION: URANIUM HEXAFLUORIDE (Trujillo).** Provides for a gross receipts tax deduction from gross receipts from the sale of uranium hexafluoride. HBIC/HTRC
- HB 75 CIGARETTE TAX TO MUNICIPAL/COUNTY RECREATION FUNDS (Cook).** Distributes .83% of the receipts from the Cigarette Tax to the county and municipality recreational fund. Effective 7/1/12. HRC

- HB 87**    **ADDITIONAL SERIOUS VIOLENT FELONIES (Park).** Adds homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or drugs under the definition of “serious violent offense” for the purpose of earning meritorious deductions in prison. Effective 7/1/12. HRC
- HB 89**    **LOCAL GOVERNMENT CURFEW ORDINANCES (Kintigh).** Enacts 2 new sections of the Children’s Code; amends §32A-3B-3. Grants authority to municipalities and counties to adopt curfew ordinances regulating actions of children during nighttime hours and during daytime hours on school days; the curfew may require children, subject to the provisions of the Compulsory School Attendance Law, to be present on school premises when the public, private or home school program that the child is attending is in session; requires the ordinance to provide for the following minimum exemptions if the child is: accompanied by parent or guardian or accompanied by an adult authorized by them; traveling interstate; going to or returning home from a school-sponsored, civic organization-sponsored or religious function; going to or returning home from work; involved in a bona fide emergency; and enrolled in or receiving instruction in a private school or home school program that does not requires the child to be in attendance at a particular time. An ordinance shall comply with the following procedures: (1) a law enforcement officer or municipal or county employee designated for curfew enforcement who detains a child shall promptly attempt to contact the child’s parent or guardian; (2) the law enforcement officer or guardian shall deliver the child to the residence or request that the parent or guardian come and take custody of the child unless returning the child would endanger the child’s health or safety; (3) if the parent or guardian cannot be contacted, the law enforcement officer or employee shall follow the protective custody procedures per Section 32A-3B-3. No child shall be placed in a secured setting pursuant to this Section. Effective 7/1/12. HRC
- HB 92**    **STATE ELECTION CODE: ELECTRONIC VOTER REGISTRATION AT MVD (Chavez, E.).** Amends §1-4-47. Requires that voter registration at Motor Vehicle offices be conducted in a manner such that the applicant is able to fill out the full certificate of registration electronically; requires the applicant’s digital signature to be affixed to the certificate of registration; requires the Secretary of State to work with the Motor Vehicle Division to ensure compliance in the application of these provisions with the Federal National Voter Registration Act of 1993, as well as the consistent implementation with the various counties, based on county classification and developing technology. Effective 1/1/13. HRC
- \*HB 93**    **SYNTHETIC CANNABINOID AS CONTROLLED SUBSTANCE (E. Chavez).** Amends §30-31-6 of the Controlled Substance Act to designate additional synthetic cannabinoids and other chemicals as Schedule I controlled substances. EMERGENCY CLAUSE. HRC
- \*HB 95**    **WATER PROJECT FUND PROJECTS (Nunez).** Authorizes the New Mexico Finance Authority to make loans or grants from the Water Project Fund for the following municipal water projects: **Belen:** flood prevention project; **Capitan:** water storage, conveyance and delivery project; **Carrizozo:** water storage, conveyance and delivery projects; **Deming:** water storage, conveyance and delivery project; **Estancia:** water storage, conveyance and delivery project; **Eunice:** water storage, conveyance and delivery project; **Gallup:** water storage, conveyance and delivery project; **Grants:** flood prevention project; **Hatch:** water storage, conveyance and delivery project; **Hobbs:** water conservation, treatment, recycling or reuse project; **Las Vegas:** water conservation, treatment, recycling or reuse project; water storage, conveyance and delivery project; **Milan:** flood prevention project; **Moriarty:** water conservation, treatment, recycling or reuse project; water storage, conveyance and delivery project; **Raton:** watershed restoration and management project; **Socorro:** flood prevention project; **Springer:** water storage, conveyance and delivery project; **Sunland Park:** water conservation, treatment, recycling or reuse project; **Taos:** water storage, conveyance and delivery project; **Taos Ski Valley:** water storage, conveyance and delivery project; **Tucumcari:** water storage, conveyance and delivery project; **Wagon Mound:** water storage, conveyance and delivery project. EMERGENCY CLAUSE. HRC
- HJR 3**    **CA: GRANTING AND DENIAL OF BAIL (Kintigh).** Proposes to amend Article 2, Section 13 of the New Mexico Constitution to provide that a court may grant or deny bail in all cases based upon flight risk, danger to the community, nature of the offense and other factors provided by law. HVEC/HJC

- HJR 4 CA: LEGISLATOR TERM LIMITS (Kintigh).** Proposes to amend Article 4, Section 4 of the NM Constitution to limit the terms of state senators to three consecutive terms, and for state representatives to six consecutive terms. Excludes terms ending prior to January 1, 2013 and time served during appointment to a vacant office. HVEC/HJC
- HJR 5 CA: LIMIT AGENCY COMPENSATION FOR LEGISLATORS (Bandy).** Proposes to amend Article 4, Section 10 of the New Mexico Constitution to limit legislators from receiving compensation by a public agency during regular or special sessions. HCPAC/HVEC/HJC
- HJR 6 CA: DEATH PENALTY FOR CERTAIN CRIMES (Kintigh).** Proposes a new section in Article 20 of the New Mexico Constitution to impose the death penalty for the crime of murder in the 1<sup>st</sup> degree where a jury finds, beyond a reasonable doubt, one of the following circumstances: 1) the victim was a peace officer who was acting in the lawful discharge of an official duty; 2) the victim was a person under 18 years of age; 3) the murder was committed with the intent to kill in the commission of or attempt to commit kidnapping or criminal sexual penetration; 4) the murder was committed with the intent to kill by the defendant while attempting to escape from a penal institution of New Mexico; 5) while incarcerated in a penal institution in New Mexico, the defendant, with the intent to kill, murdered a person who was at the time incarcerated in, employed by or lawfully on the premises of a penal institution in New Mexico, including facilities under the jurisdiction of the Corrections Department, county and municipal jails; 6) the murder was committed for hire; 7) the murder was of a witness to a crime or any person likely to become a witness to a crime, for the purpose of preventing report of the crime or testimony in any criminal proceeding or for retaliation for the victim having testified in any criminal proceeding. HCPAC/HVEC/HJC
- HJR 8 CA: PROPERTY TAX EXEMPTION FOR PEOPLE OVER 75 (Garcia, MP).** Proposes a new section in Article 8 of the New Mexico Constitution to provide an exemption from property tax for persons over 75 years of age whose annual incomes are equal to or less than \$15,000. HVEC/HTRC
- HJR 9 CA: PROPERTY TAX EXEMPTION FOR LOW INCOMES (Garcia, MP).** Proposes a new section in Article 8 of the New Mexico Constitution to provide an exemption from property tax for low income persons who are one-hundred-percent disabled. HVEC/HTRC
- HM 1 JUDICIAL STANDARDS COMMISSION INTERIM REPORTS (Kintigh).** Requests the New Mexico Judicial Standards Committee to make a presentation every year on the status of judicial discipline in the state to the Legislative Interim courts, corrections and justice committee. HHGAC
- HM 5 PERA: PUBLIC EMPLOYEE RETIREMENT CHANGE OPTIONS (Trujillo).** Requests PERA to assess options for changes to public employees retirement plans to reduce unfunded accrued actuarial liability with a goal to bring the funding status to 100% by 2041; also requests PERA to provide its recommendations for benefit structure changes affecting future and active members and retirees to the appropriate interim committee no later than October 1, 2012. HHGAC
- HM 12 NO FEDERAL WILDERNESS NEAR BORDER (Nunez).** Requests that New Mexico oppose the designation of wilderness areas on or near its border with Mexico. HENRC
- SB 2 CRIMINAL RECORDS EXPUNGEMENT ACT (Sanchez, M.)** New material creates the Criminal Records Expungement Act; a person who is a victim of identity theft or is wrongfully arrested, indicted or charged for any crime may petition the district court for an order to expunge arrest and public records; after a hearing, the court shall issue the order within 30 days to all relevant law enforcement agencies and courts that would prohibit the agencies from releasing copies of such records to any person except upon a court order. The same method would apply to a person who is released without a conviction for a violation of a municipal ordinance, misdemeanor or felony one year after the dismissal or release; a person convicted of a violation of a municipal ordinance or misdemeanor may petition for an expungement order after completion of a sentence, provided that no other charge has occurred for a

period of five years if the conviction was for a misdemeanor and 10 years if the conviction was for an offense involving domestic violence or abuse. The expungement provisions do not apply to a crime committed against a minor or children, a sex offense or an offense involving driving while intoxicated or under the influence of drugs; requires the Administrative Office of the Courts and the Department of Public Safety to develop rules to implement the Act; nothing in the Act shall prohibit a law enforcement agency from maintaining and using criminal history information for any lawful purpose. Effective January 1, 2013. SCC/SPAC/SJC

- \*SB 5 RESTRICT SALE OR USE OF FIREWORKS (Feldman and Gentry).** Amends §12-10-4 of the All Hazard Emergency Management Act to authorize the Governor to proclaim an emergency that temporarily bans or restricts the sale or use, or both, of fireworks in an area where the fire danger rating is high, very high or extreme as determined by the National Fire Danger Rating System; new material in the Fireworks Licensing and Safety Act authorizes the Governor to make the same type of proclamation under high, very high or extreme fire conditions pursuant to the same rating system; the proclamation shall be effective for 30 days and the Governor may issue succeeding proclamations if conditions warrant; the proclamation may be modified or rescinded within the 30-day period if conditions are deemed to be less high; the Governor's proclamation may be more restrictive within that jurisdiction than restrictions imposed by a municipality or a county but may not be less restrictive. Amends §60-2C-8.1 to authorize the governing body of a municipality to hold a hearing to determine if fireworks restrictions should be imposed within the municipality where fire danger ratings are determined to be high, very high or extreme as determined by the National Fire Danger Rating System; the governing body may issue a proclamation banning or restricting the sale or use of all fireworks; such proclamation shall be issued no less than 20 days prior to a holiday for which fireworks may be sold; authorizes a county to impose the same restrictions within unincorporated areas of the county. EMERGENCY CLAUSE. SCC/SPAC/SCORC
- SB 10 CONDO DECLARATION ZONING LAW COMPLIANCE (Wirth).** Amends §47-7B-5 to add to the contents of a declaration of condominium that, if required by local ordinance, a written confirmation from the local zoning official that the condominium complies with the zoning density requirements of the local zoning and subdivision ordinances or regulations as required by §47-7A-6 NMSA 1978. SCC/SPAC/SJC
- SB 13 CRIME OF FAILURE TO REPORT DEATH OF A CHILD (Fischmann).** Failure to report the disappearance of a child consists of a parent or guardian having the care, custody or control of a child under 18 years of age failing to notify a police officer or appropriate law enforcement agency of the disappearance of the child within 24 hours from when the parent or guardian knew or should have known the child was missing; failure to report the death of a child consists of a parent or guardian of a child under 18 years of age failing to notify a police officer or appropriate law enforcement agency of the death of a child within one hour from when the parent or guardian knew or should have known that the child had died while under their care; whoever commits failure to report the disappearance or death of a child is guilty of a misdemeanor. Effective July 1, 2012. SCC/SPAC/SJC
- SB 20 GRT: DIALYSIS CENTER DEDUCTION (Cisneros).** Amends §7-9-77.1 to authorize a graduated gross receipts tax deduction for receipts from payments from the U.S. government or any of its agencies for health services provided by a dialysis facility to Medicare beneficiaries; from July 1, 2013 through June 30, 2014, 33 1/3 percent of receipts may be deducted; from July 1, 2014 through June 30, 2015, 66 2/3 percent may be deducted and after June 30, 2015, 100 percent may be deducted. Effective July 1, 2012. SCC/SCORC/SFC
- SB 23 GRT: URANIUM HEXAFLUORIDE SALES DEDUCTION (Leavell).** Amends §7-9-90 to make receipts from selling uranium hexafluoride deductible from gross receipts taxes. SCC/SCORC/SFC
- SB 26 NEIGHBORING STATES CITIZEN FIREARMS PURCHASES (Payne).** Repeals §30-7-9 NMSA 1978 that allows New Mexico citizens the right to purchase firearms in contiguous states and residents of contiguous state to purchase firearms in New Mexico. SCC/SPAC/SJC

- \*SB 32** **TEMPORARY UNEMPLOYMENT FUND CONTRIBUTIONS (Smith, Jennings).** Amends §51-1-11; from January 1, 2011 through December 31, 2012, each employer is to contribute at the rate specified in Schedule 1; from January 1, 2013 through December 31, 2013, the contributions shall be made as specified in Schedule 2; the Secretary of the Department of Workforce Solutions, with approval by the Governor, may increase the contribution rate specified in Schedule 3 if, as of June 30, 2012, the total assets of the Unemployment Compensation Fund are less than or equal to 30 percent of the total amount of benefits paid in calendar year 2011. EMERGENCY CLAUSE. SCC/SCORC/SFC
- \*SB 36** **TRANSPORTATION REINVESTMENT ZONE ACT (Eichenberg).** New material authorizes municipalities and counties to create Transportation Reinvestment Zones that are special districts that enhance the sustainability of local, regional or statewide economies by creating, renovating or repairing transportation improvements; authorizes the local governing bodies to dedicate up to 75 percent of local option and state distributions of gross receipts taxes to projects within the special districts; authorizes the issuance of gross receipts tax-backed bonds; sets out procedures that governing bodies must follow in creating Reinvestment Zones. EMERGENCY CLAUSE. SCC/SCORC/SFC
- SB 37** **NO TIME LIMIT TO PROSECUTE CERTAIN CRIMES (Payne).** Amends §30-1-8 to remove the statute of limitations for prosecuting murder in the first or second degree; voluntary or involuntary manslaughter; assisting suicide; homicide by vehicle; or a first degree felony. Effective 7/1/12. SCC/SPAC/SJC
- SB 43** **GRT: LOCAL MUSIC RADIO STATION CREDIT (Griego, E.)** New material authorizes a gross receipts tax credit of 15 percent from receipts from advertising or other sales made by a radio station for its daily programming that features New Mexico musical acts in at least 20 percent of daily programming air time; New Mexico musical act means music produced in New Mexico, the music made or recorded by musicians living in New Mexico or live musical performances by musicians whose primary place of residence is New Mexico. Effective 7/1/12. SCC/SCORC/SFC
- SB 45** **GRT: LOCOMOTIVE FUEL GROSS RECEIPTS (Griego, P.)** Same as HB 47. SCC/SCORC/SFC
- SJR 1** **CA: APPEALS TO DISTRICT COURT (Wirth).** Proposes to amend Article 6, Section 13 of the New Mexico Constitution to remove the Constitutional requirement that the district court shall have appellate jurisdiction in all cases originating in inferior courts and tribunals; the district court shall have supervisory control over inferior courts in their respective districts; amends Article 6, Section 27 to state that all appeals shall be allowed from inferior courts as provided by law. SRC/SJC/SFC
- SJR 3** **CA: JUDGE MISCONDUCT HEARING CONFIDENTIALITY (Rue).** Proposes to amend Article 6, Section 32 of the New Mexico Constitution; all papers filed with the Judicial Standards Commission or its masters and proceedings before the Commission or its masters are confidential until such time as the Commission orders a hearing to be held before it concerning discipline, removal or retirement of a justice, judge or magistrate, or until the Commission appoints masters to hear and take evidence in a matter. SRC/SJC
- SJM 5** **INTERIM GOVERNMENT REFORM COMMITTEE (Keller).** Requests the Legislative Council create an interim Legislative Government Reform Committee to continue the work of the 2010 Government Restructuring Task Force; the Committee would meet on a regular basis and conduct hearings on issues relating to state and local government reform, structure and process; the Committee would oversee and monitor state agencies and take testimony from state and local officials on state agency needs and undertake an ongoing examination of the statutes, constitutional provisions, regulations and court decisions relating to state and local government in New Mexico. The Committee is to report its findings to the Legislature by December 15 of each year. SRC/SPAC