

LEGISLATIVE BULLETIN

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Bill Introductions Top 400 Introduction Deadline Nears

As of Wednesday, January 25, 435 bills have been introduced by legislators during the opening week of the 2012 legislature. In the Senate, 222 bills have been introduced and 213 in the House. This does not include memorials and resolutions. Adding those in takes the number of pieces of legislation to 581. And the legislature still has until February 1 to introduce legislation for the 30-day session.

The Legislature experienced a new twist this week as Governor Susana Martinez asked both the House and Senate to “withdraw and expunge” many of the issues covered by her “call,” or those issues she wants the legislature to consider in addition to appropriation and revenue topics. It seems no one in the Roundhouse could remember a Governor asking the legislature to not consider issues covered in Executive Messages. The House agreed and the Governor reissued many of her Executive Messages for bills to be considered. The Senate refused to withdraw and expunge the issues, and Senate President Pro Tem Timothy Jennings said on the Senate floor that the Senate would continue to hear the bills already introduced in accordance with those issues covered by her original executive messages. And on Wednesday, the Governor issued several more Executive Messages to the Senate. Several Roundhouse veterans theorized that the reason for the Governor’s request to withdraw was that many of the Executive Messages were overly broad, thus opening the door for the introduction of many more pieces of legislation.

Senate Bill 5, Restrict Use or Sale of Fireworks, introduced by Senator Dede Feldman and Representative Nate Gentry, has been sent to the Senate Public Affairs Committee. The bill would 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. 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. The bill also authorizes 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. Under such conditions, the governing body may issue a proclamation banning or restricting the sale or use of all fireworks, except for theatrical pyrotechnics.

In the House, a similar bill, House Bill 61 GRT Distribution from Fireworks, was introduced by Representative Ray Begaye. The bill enacts a new section in the Fireworks Act to make 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 would go to the state Forestry Division for wildlands fire prevention projects. “Wildlands” includes forests, bosques and brush-covered lands.

Senate Bill 10, Condo Declaration Zoning Law Compliance introduced by Senator Peter Wirth, also heads to the Senate Public Affairs Committee for a hearing. The bill requires the contents of a declaration of condominium that, if required by local ordinance, contain 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 the state Condominium Act.

House Bill 35, Public Meeting Agendas 72 Hours Prior introduced by Representative James Smith, has been referred to the House Consumer and Public Affairs Committee. The bill 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). The League will continue to monitor these and other pieces of legislation that affect municipalities.

SPECIAL NOTE: Please plan on attending the League’s 23rd Annual Municipal Day on Friday, February 3 at La Fonda Hotel in Santa Fe. Registration and hotel information is available on the League’s web site at www.nmml.org.

LEAGUE OFFICE PARKING DURING THE SESSION

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

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

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

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

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

CAPITAL PROJECT FUNDING BILLS

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

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

ABBREVIATION CODE

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

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

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

Bill Introductions Through Wednesday, January 25, 2012

HB 9 ADDRESS STATEWIDE WILDFIRE EMERGENCY (Lujan, B). Appropriates \$1 million from the general fund to the Homeland Security and Emergency Management Department to provide the necessary resources and services to prevent, avoid or minimize economic or physical harm as a result of enhanced soil erosion, excessive runoff or potential flooding due to the severe wildfires and to provide statewide recovery assistance to local communities affected by the severe wildfires. HHGAC/HAFC

HB 11 FIRE PROTECTION ACROSS JURISDICTIONS (Miera). Authorizes any municipality to permit its fire department to service an area adjacent and contiguous to its corporate limits but within the corporate limits of another municipality or a county, provided that the other municipality or county by resolution or law consents to the service and to the boundaries of the area serviced. Requires a plat showing the additional area to be filed with and approved by the State Fire Marshal; authorizes a municipality to apply for Fire Protection Fund eligibility for any fire station located within the additional area; also authorizes municipalities to apply for Fund eligibility for a fire station located at a municipally owned airport, whether located outside or within municipal limits. Provides for the same authority for counties servicing areas within municipalities. Provides that nothing in the Fire Protection Fund Law shall be construed to prohibit mutual aid agreements between municipalities and counties to provide fire protection services across jurisdictional lines. HRC

HB 12 MV: INCREASE PENALTY FOR VEHICULAR CRIMES (Miera). Amends §66-8-114 to add a misdemeanor penalty punishable by a jail term of up to one year or a \$1,000 fine, or both, for a person who commits careless driving that results in death or great bodily harm; defines “great bodily harm” as an injury to a person that creates a high probability of death, that causes serious disfigurement or that results in permanent loss or impairment of the function of any member or organ of the body. Effective 7/1/12. HRC

HB 63 BUSINESSSES FOR LOCAL ECONOMIC DEVELOPMENT ACT (Begaye). Amends §5-10-1. Adds under the definition of a qualified entity under the Local Economic Development Act a business located in a rural area that is primarily engaged in the sale of food or commodities at retail; defines “business” as an establishment that sells food for home preparation and consumption and that meets the definition of retail food store for purposes of the federal supplemental nutrition assistance program, whether it participates in the program or not; “rural” is an area or location with a population less than 5,000 and falling outside of an urban area as defined by the Economic Development Department. Effective 7/1/12. HRC

HB 91 EMPLOYEE FAIR CLASSIFICATION ACT (Chavez, E.). Enacts the Employee Fair Classification Act. The definition of “employer” includes the state, an agency, institution or instrumentality of the state, a municipality, county, school district or another political subdivision. Defines “independent contractor” and sets limitations on what may be considered when a court or jury makes a determination on whether an individual is an independent contractor; a court or jury shall not consider an employer’s failure to withhold federal or state income taxes and shall find that an individual is an employee if the control exercised by the party paying remuneration is general in nature and is exercised directly or indirectly over the physical activities of the individual. Provides that an employer-employee relationship shall be presumed to exist when work is performed by an individual for remuneration paid by an employer; in a cause of action brought pursuant to this Act, a person asserting that an individual is an independent contractor and not an employee must establish that status by a preponderance of the evidence. Establishes prohibited conduct by the employer, including improperly classifying an individual as an independent contractor; improper classification occurs when an employer-employee relationship exists but the employer has not classified the individual as an employee. Allows any individual, interested party or labor organization aggrieved by a violation of this Act to bring civil action on behalf of themselves or another individual similarly situated; each violation constitutes a separate violation for each individual involved and for each day the violation continues; party bringing action has the right to select a trial by jury; a court shall award the prevailing party: wages, salary, employment benefits and other compensation denied or lost plus an equal amount in liquidated damages, provided that the liquidated damages shall equal double the amount of wages due for each violation; compensatory damages; and, equitable relief, and attorney fees and costs. If an employer who hires someone to perform services who is not considered by the employer to be an employee pursuant to this Act, the employer shall post in a conspicuous place on each job site where the individual performs services and in each of the employer’s offices, in English and Spanish, a notice with wording specified in the Act stating that every individual has the right to be properly classified as an employee rather than as an independent contractor and that they have a right to challenge the improper classification by bringing a civil action in district court. Effective 7/1/12. HRC

HB 97 PROCUREMENT: NM VETERAN BUSINESS & CONTRACTOR PREFERENCE (Lujan, B). Amends §13-1-21, 22, 23 and §13-4-2 establishing a preference for resident veteran businesses and for resident veteran contractors. Defines “recycled content goods” as supplies and materials composed of 25% or more of recycled materials, provided the materials content meets or exceeds the minimum content standards required by bid specifications; a “resident veteran business” is not included in the definition of “resident business”, but is defined as a business that has a valid resident veteran business certificate issued by the Taxation & Revenue Department. When a public body makes a purchase using a formal bid process, the public body shall deem the bid submitted by a resident veteran business to be ten percent lower than the bid actually submitted. When a public body makes a purchase using a formal bid process and bids are received for both recycled content goods and non-recycled goods, the public body shall deem; 1) bids submitted for recycled goods from any business, except a resident veteran business, to be five percent lower than bids actually received; 2) bids submitted for recycled goods from a resident veteran business to be ten percent lower than bids actually submitted. When public bodies make a purchase using a formal request for proposals, not including contracts awarded on a point-based system, the public body shall award an additional ten percent of the total weight of all the factors used in evaluating the proposals shall be awarded to a resident veteran business. When a public body makes a purchase using a formal request for proposals process, the public body shall award an additional of the equivalent of: 1) five percent of the total possible points to a resident business; and 2) ten percent of

possible points to a resident veteran business. An application for a resident veteran business certificate or a resident veteran contractor shall include verification by the Federal Department of Veteran Affairs as being either a veteran-owned small business or a service-disabled veteran-owned small business; or verification of veteran status as indicated by the US Department of Defense DD form 214 of release or discharge from active duty with greater than dishonorable discharge or of service-disabled veteran status by the Department. Effective 7/1/12. HRC

***HB 103 MV: SOCIAL SECURITY NUMBER FOR DRIVER'S LICENSE (Nuñez).** Amends §§66-5-9, 21, 401, 402, 403 & 405. Applications for driver's licenses or permits by a foreign national shall contain the unique identifying number of the valid passport, valid visa or other arrival-departure record or document issued by the Federal Department of Homeland Security; a driver's license may be issued to a foreign national that is valid only for the duration of the authorized period of admission or extension of stay. An application for an identification card shall be made upon a form furnished by the Department and shall contain the applicant's full legal name, social security number, except for applicants ineligible for a social security number, date of birth, sex, and NM residence address; the application shall contain the unique identifying number of the valid passport, valid visa or other arrival-departure record or document issued by the federal government and is valid only for the duration of the authorized period of admission or extension of stay. EMERGENCY CLAUSE. HLC/HJC

HB 108 DWI: INCREASE CERTAIN PENALTIES (Lewis). Amends §66-8-102 increasing the penalties and mandatory periods of incarceration for fourth and subsequent offenses related to driving under the influence of intoxicating liquor or drugs. Upon a fourth conviction, the sentence increases from 18 months to 30 months; a fifth conviction, increases from two years to three years; a sixth conviction, increases from 30 months to 42 months; a seventh conviction, increases from three years to four years; and upon an eighth and subsequent conviction the offender is guilty of a 2nd degree felony and shall be sentenced to a term of 12 years in prison. Effective 7/1/12. HCPAC/HJC

HB 111 PUBLIC CORRUPTION OFFENSES (Gentry). Amends §§30-16-8, 30-23-2, 3, 6 . Deems specific offenses by public officers and employees contained within the Criminal Code as "public corruption" offenses. Persons convicted of public corruption offenses shall not, individually or in association with others, submit a bid to or enter into a contract for services, construction or items of tangible personal property with a state agency or act as a lobbyist; violation of this provision is a 3rd degree felony; defines "public entity" as the state or one of its agencies, departments, institutions or political subdivisions. Offenses deemed as "public corruption offenses" are: 1) embezzlement; 2) paying or receiving public money for services; 3) making or permitting false public vouchers; 4) committing unlawful interest in a public contract; 5) committing bribery of a public officer or public employee; 6) demanding or receiving a bribe by a public officer or public employee; 7) soliciting or receiving illegal kickbacks; 8) offering or paying illegal kickbacks. Enacts new material requiring every state agency, department, political subdivision and institution to post in a conspicuous place a list of all crimes constituting public corruption offenses and other corrupt practices and the penalties associated with such crimes. Also, provides for the forfeiture of certain benefits under the state retirement systems upon conviction of public corruption offenses. Effective 7/1/12. HHGAC/HJC

HB 113 STATE ELECTION CODE: VOTER ID REQUIREMENTS (Brown). Amends several and enacts two new sections of the State Election Code. Requires all voters to present identification before voting in person or absentee by mail; the voter must have a document that: (1) shows the name of the person to whom the document was issued and the name conforms to the name in the voter's registration record, or at least two precinct board members determine that the document sufficiently matches the information on the voter's certificate of registration to identify the person; (2) shows a photograph of the person; (3) has an expiration date and has not been expired for more than eight years; and, was issued by the U.S. or State of New Mexico, including any public post-secondary institution. Persons from tribes and pueblos may present a document with the same requirements as number (1) above along with a person's tribal enrollment number that was issued by an Indian nation, tribe or pueblo. Requires the same identification for registering to vote for the first time. An absentee ballot returned without a copy of the required voter ID shall be handled as a provisional ballot. If a challenge is interposed because the voter ID presented

does not conform to the requirements, the voter shall be allowed to vote on a provisional ballot. Provides for free state-issued ID cards for persons who would be at least 18 years of age on the date of the next general election and the person signs a statement requesting an ID card at no cost for voter identification purposes. Requires any state office to provide free copies of the voter's required identification document when requested by the voter. Repeals §1-12-4.1. Effective 7/1/12. HCPAC/HVEC/HJC

HB 114 NO CORPORATION INFLUENCE ON ELECTIONS (Egolf). Amends §§53-11-3, 17-1. Provides that any entity organized under the Business Corporation Act shall not have the power to expend money to influence the outcome of any state, county or local election; also prohibits any foreign corporation from procuring a certificate of authority to transact business in New Mexico unless they agree not to expend money to influence the outcome of any state, county or local election. HRC

HB 116 GRT: ELECTRIC CONVERSION FACILITY (Lujan, B). Expands an exemption regarding use of electricity to include transmission using voltage source conversion technology; adds a new deduction from gross receipts tax for receipts from transmission of electricity where voltage source conversion technology is employed; adds a deduction from gross receipts tax for receipts from operating a market or exchange for sale or trading of electricity, rights to electricity and derivative products and from providing ancillary services. Effective 7/1/12. HBIC/HTRC

HB 118 SECONDHAND METAL DEALER REQUIREMENTS (Rodella). Amends the Sale of Recycled Metals Act to help prevent the theft and sale of metal to secondhand metal dealers; requires secondhand metal dealers to be registered with Regulation and Licensing Department; sets duties for the secondhand metal dealers which include complying with federal requirements for scrap metal dealers, including maintaining storm water permits. Requires any dealer who becomes aware that he is in possession of regulated material that was stolen or unlawfully obtained to keep the material on his premises and report it to a local law enforcement agency within 24 hours. Adds the following under the definition of "regulated material": utility access covers; water meter covers; road or bridge guard rails; highway or street signs; traffic directional or control sign or signals; or catalytic converters that are not part of an entire motor vehicle. Prohibits a dealer from purchasing specified material without additional written documentation indicating the seller is the rightful owner or has permission from the owner or that the material was lawfully obtained; the specific list includes infrastructure grade regulated material that has been burned to remove insulation and regulated material marked with identification as the property of electrical, telephone, cable, water or other utility company, a railroad or a governmental entity. Requires a person attempting to sell regulated material to a secondhand metal dealer to allow the dealer to take a photo of the seller and the regulated material; the photo may be digital with a date and time stamp and be of the material in the form in which it was purchased or obtained by the dealer. If a peace officer has probable cause to believe that property in the possession of a secondhand metal dealer is stolen or constitutes evidence in a criminal investigation, the officer may place a hold on the property prohibiting the sale or removal of it from the premises. The hold may remain in effect for up to five days or until the hold is lifted or the property is seized, whichever occurs earlier. Prohibits a local governmental entity from requiring secondhand metal dealers to provide any additional reports on purchase or acquisition of regulated material than is being required by the Regulation and Licensing Department; limits availability of the database containing required records submitted by the dealers to law enforcement agencies and the Department. Appropriates \$300,000 from the General Fund to the Department to build a database and carry out the provisions of the Act. Effective 7/1/12. HBIC/HAFC

HB 119 NMFA: LOCAL GOV'T ENERGY & INFRASTRUCTURE AUDITS (Vigil). Amends §6-21-6.4. Expands the purpose of the Local Government Planning Fund to allow the New Mexico Finance Authority to use the monies to evaluate and estimate the costs of implementing the most feasible alternatives for infrastructure and developing energy audits. Removes the requirement that grants may be made from the Fund only with the agreement of the qualified entity to reimburse the Fund for the amount of the grant when financing from any source other than the NMFA is subsequently received by the qualified entity for the public project. HRC

- HB 120 PERA: ACEQUIA & DITCH EMPLOYEES (Vigil).** Amends §10-11-2 of the Public Employees Retirement Act to include Acequias and Community Ditch Associations as public employers. Effective 7/1/12. HRC
- HB 122 UTILITY CONSTRUCTION NOTICE TO ACEQUIAS (Garcia, T).** Enacts new material to require that before accessing an easement to construct, place or repair lines, pipes, poles, cables, conduits, towers, stations, fixtures, appliances or other structures a corporation organized under the Public Utility Act or the Electric Cooperative Act shall give the owner of the land and the mayordomo or ditch commissioner not less than three or more than ten days notice in writing of the time and place that a representative of the corporation will examine and appraise the land. HRC
- HB 128 LIFE IN PRISON FOR CERTAIN SEX CRIMES (Garcia, T).** Amends §30-1-8 to provide that criminal sexual penetration perpetrated on a child under 13 years of age is punishable by life imprisonment. Effective 7/1/12. HRC
- HB 140 JUDGE CONCEALED HANDGUN LICENSES (Anderson).** Amends §29-19-11 to provide that a concealed handgun license shall not be valid in a courthouse or court facility unless the concealed handgun license belongs to a judge who works or is designated to work in the courthouse or court facility. Effective 7/1/12. HRC
- HB 141 PERA: PUBLIC RETIREES RETURN TO WORK (Stewart).** Amends §10-11-8. Provides that on or after July 1, 2012, a retired PERA member who is subsequently employed by an affiliated public employer will have their pension suspended when the retired member's earnings reach \$15,000 or more during a calendar year; the employee shall become a member, both the employee and employer must make the required contributions and the employee shall accrue service credit for the period they are subsequently employed; upon leaving the subsequent employment, the employee's pension shall resume as it was unless they have accrued at least three years of service credit in their subsequent employment, in which case the pension shall be recalculated using the provisions of the coverage plan applicable on the date of the first retirement and shall not be less than the amount of the suspended pension. Effective 7/1/12. HRC
- HB 142 GRT: DEDUCTION FOR SMALL BUSINESSES (Egolf).** Enacts new material. Receipts from the sale of tangible personal property or services by a small business may be deducted from gross receipts; the stated purpose of this deduction is to support and encourage the creation and continued success of small businesses in New Mexico; defines "small business" as a business whose gross receipts tax liability for the month does not exceed \$200. Adjusts the rates of certain Severance and Natural Resources Taxes. Effective 7/1/12. HBIC/HTRC
- HB 150 ATTEMPTED MURDER AS VIOLENT OFFENSE (Maestas).** Provides that attempt to commit murder in the 1st or 2nd degree is a serious violent offense for the purpose of calculating earned meritorious deductions in prison. HRC
- *HB 151 CONSTITUTIONAL REVISION COMMISSION (Cervantes).** Creates a Constitutional Revision Commission to examine the New Mexico Constitution and the constitutions of other states to recommend changes to our state's Constitution as it deems desirable and necessary; upon majority approval of the 15 voting Commission members, legislation shall be drafted and submitted to the Legislature for its review; a full report of findings and recommendations shall be made to the Governor and the 51st Legislature not later than 30 days prior to the convening of its second regular session [2014]. Appropriates \$100,000 to the New Mexico Legislative Council Service to carry out the Act's provisions. EMERGENCY CLAUSE. HJC/HAFC
- HB 153 UNIFORM CHILD ABDUCTION PREVENTION (Cervantes).** Enacts the Uniform Child Abduction Prevention Act; authorizes a court to order abduction prevention measures in a child-custody proceeding if the court finds that the evidence establishes a credible risk of abduction of the child; authorizes a party

to a child-custody determination or other individual having a legal right to file a petition seeking abduction prevention measures to protect the child; sets requirements for the petition and factors to be considered by the court to determine if there is a credible risk and establishes what the court order may include. To prevent imminent abduction of a child, authorizes a court to issue a warrant to take physical custody of the child; direct the use of law enforcement to take any action reasonably necessary to locate the child, obtain return of the child or enforce a custody determination pursuant to this Act; or, grant any other relief allowed by the laws of this state other than this Act. Also authorizes the court to issue an ex parte warrant to take physical custody of the child if the petition contains allegations that the child is imminently likely to be wrongfully removed and the court finds there is a credible risk; the ex parte warrant is enforceable throughout the state; the court may authorize law enforcement officers to enter private property to take physical custody of the child if the court finds that a less intrusive remedy will not be effective; if required by exigent circumstances, the court may authorize law enforcement officers to make a forcible entry at any hour. Effective 1/1/13. HRC

HB 155 SPRINGER: ECONOMIC DEVELOPMENT (Garcia, T.). Appropriates \$10,000 from the General Fund to the Economic Development Department to provide economic development services and to implement the master plan for the community of Springer. HBIC/HAFC

HB 157 COMBINE TOURISM & CULTURAL AFFAIRS DEPTS (Bandy). Combines the Tourism and Cultural Affairs Departments. Adds the following divisions: marketing and promotion; New Mexico Magazine; and, tourism development. Makes the New Mexico State Fair and Intertribal Ceremonial Office administratively attached to the Department; the Marketing and Promotion Division duties include developing a system, including web sites and social media to capture useful traveler insights that can be used to improve delivery of tourism and cultural services and usefulness of marketing and promotion efforts; the Tourism Development Division's duties include providing constituent services for communities and regions of the state to help them identify tourism needs, develop and advertise local points of interest, locales and tourist-related services, and identify resources to improve local and regional tourism efforts. Creates the African American Cultural Division within the Department. Repeals the New Mexico Film Museum Act, the Fort Stanton Development Commission and Fund, and the New Mexico Artisans Business Development Program. Effective 7/1/12. HJC/HAFC

HB 158 DWI: HABITUAL DWI OFFENDER SENTENCING (Lewis). Amends §31-18-17. Includes felony convictions for driving while under the influence of intoxicating liquor or drugs as being subject to the basic sentence enhancements imposed for other non-capital felony habitual offenders. Effective 7/1/12. HCPAC/HJC

HB 159 GRT DEDUCTION: DEPARTMENT OF DEFENSE (Larrañaga). Enacts a new gross receipts tax deduction for receipts from the sale of research and development services related to directed energy or satellites when sold pursuant to a contract with the U.S. Department of Defense; also provides for a deduction for receipts from the sale of directed energy and satellite-related inputs when sold to a contractor providing the related research and development services. Applies to gross receipts attributable to transactions subject to gross receipts tax on and after 7/1/12. Effective 7/1/12. HBIC/HTRC

HB 160 DWI: VEHICLE SEIZURE FOR DWI ARRESTS (James). Amends §§31-27-1, -7 & 66-5-39, enacts one new section of Chapter 66, Article 8. Requires a law enforcement officer to seize the vehicle of a person who is arrested for driving on a revoked license due to a DWI conviction or violation of the Implied Consent Act; also requires the vehicle to be seized if a person arrested has previously been convicted of DWI pursuant to state, federal or tribal law or a municipal ordinance, regardless of whether the person's sentence was suspended or deferred; the seized vehicle shall be subject to forfeiture pursuant to the Forfeiture Act. Expands the allowable uses of proceeds from forfeited property by a governing body of the seizing law enforcement agency to include alcohol abuse treatment, prevention and education programs and for enforcing DWI violations. Effective 7/1/12. HHGAC/HCPAC/HJC

HB 163 "EMPLOYEE" & "PUBLIC OFFICER" DEFINITIONS (Gentry). Amends §§10-16-2, -8. Amends the Governmental Conduct Act; removes "employee" from the definition of "public officer" and enacts a

new definition of “employee” defined as an employee hired by any state agency and who receives compensation in the form of salary or is eligible for per diem or mileage. Prohibits a former public officer or legislator from acting as a lobbyist for two years after leaving government service or employment. HCPAC/HJC

- HB 164 INCREASE PENALTIES FOR CERTAIN CRIMES (Maestas).** Increases the penalty for 2nd degree murder from 15 years to 20 years imprisonment, nine of which shall not be suspended or deferred; 3rd degree voluntary manslaughter penalty is set at 10 years in prison and up to \$10,000 fine; 4th degree involuntary manslaughter is set at five years imprisonment and subject to up to \$5,000 fine. Appropriates \$1.8 million to district attorney offices to cover expenses for increased costs of operations due to the increased penalties. Effective 7/1/12. HJC/HAFC
- HB 168 PUBLIC SAFETY EQUIPMENT FUND (Park).** Imposes a \$50 court fee on DWI convictions for public safety equipment; creates the Public Safety Equipment Fund to be administered by the Department of Public Safety consisting of fees collected; funds may be used for equipment such as ballistic vests, firearms, electronic stun guns, handheld radios, hazardous materials protective clothing and other safety equipment. Effective 7/1/12. HTRC/HJC
- HB 169 PEACE OFFICER GRIEVANCES & INTERROGATIONS (Park).** Amends §§29-14-1 to 11 to expand the Peace Officer’s Employer-Employee Relations Act to apply to all public safety officers; expands the definition of “public safety officer” to include performing the following functions: 1) a law officer; 2) an adult corrections officer; 3) an adult probation and parole officer; 4) a juvenile corrections officer; 5) a juvenile probation and parole officer; 6) an animal control officer; or 7) a security officer. Allows an officer under investigation to have counsel or a representative during a grievance process, interrogation or appeal; the counsel or representative may object to any question posed, state the reason for the objection on the record and request a recess at any time to consult with the officer; prohibits interrogators from making intentional false statements; requires a fifteen-minute rest period during the interrogation; an accurate copy of the transcript or tape and all evidence relevant to the investigation shall be provided to the Attorney General’s Office no later than ten days after the investigation is completed. The AG’s Office shall review all the evidence and no administrative sanctions shall be levied against the officer unless the AG’s Office agrees that such sanctions are appropriate; prohibits disclosure of financial status of family members of an officer unless the disclosure is required by state or federal law. Enacts new material to provide for a time limit of fifteen days for internal investigations of claims of excessive force. Effective 7/1/12. HLC/HJC
- HB 170 PUBLIC CORRUPTION OFFENSES (Doyle).** Amends §§9-19-2, 4 & 7 specifying the criminal acts that qualify as public corruption offenses as defined in the Governmental Conduct Act; defines “public corruption offense” as: 1) violating the ethical principles of public service; 2) taking an official act for personal financial interest; 3) paying or receiving public money for services not rendered; 4) making or permitting false public voucher; 5) committing unlawful interest in a public contract where the value received is more than \$50; 6) committing bribery of a public officer or public employee; 7) demanding or receiving a bribe by a public officer or public employee; 8) tampering with public records; 9) soliciting or receiving illegal kickbacks; 10) offering or paying illegal kickbacks. Creates a Public Corruption Investigations and Prosecution Division in the Department of Public Safety which shall consist of functions relating to the investigation and prosecution of public corruption offenses in the state; this Division shall have the authority to issue subpoenas for use in any pending cause in any administrative proceeding or in any of the courts of the state. HCPAC/HJC/HAFC
- HB 171 MV: DRIVER’S LICENSES FOR CERTAIN PEOPLE (O’Neill).** Amends §66-5-15. On or after January 15, 2013, a driver’s license issued that meets federal requirements to be acceptable by federal agencies shall contain a unique design that distinguishes the driver’s license as being acceptable by federal agencies from a license that is not acceptable by federal agencies; on or after January 15, 2013 a driver’s license that is not acceptable by federal agencies for federal purposes shall state that the driver’s license is not acceptable and shall be stated in the same manner as restrictions are set forth upon the usual

license form and in the machine readable zone; the restriction code of “J” shall be established for the restriction of “not for official federal purposes”. HRC

HB 175 ALCOHOL SERVER TRAINING AND PENALTIES (Taylor). Amends §60-6E-7 to change the time of valid server permits from five to three years; in addition to the suspension or revocation of the license or permit or a fine of \$10,000 or both, a violation of serving alcohol to minors is: 1) a fourth degree felony for an offender, other than a certified server; 2) a misdemeanor for a first violation if the offender is a certified server; or 3) a fourth degree felony for a second or subsequent offense if the offender is a certified server. HLC/HJC

HB 179 SEX OFFENDER REGISTRATION CHANGES (Herrell). Adds the following offenses under the definition of “sex offense”: patronizing prostitutes when the person believed to be a prostitute is less than 18 years old; promoting prostitution when the victim is less than 18; accepting earnings of a prostitute who is less than 18; voyeurism; human trafficking when the victim is under 16; criminal sexual communication with a child; or, conspiracy to commit any of the offenses under the definition. Enacts a definition of “habitually lives” as any place where the sex offender lives for at least 30 days in any 365-day period and requires them to register the address of every place where they habitually live in addition to their current address; requires offenders to register any self-identifiers used on the Internet or social networking sites to be used only for law enforcement purposes; also requires them to provide their telephone numbers, professional licenses, license plate and description of their vehicle, name and address of a higher education institution they are attending, and copies of a passport and immigration documents. Changes the time frame within which a sex offender must register from 10 to three days after being released from custody or after arrival in this state. Provides for three tiers of sex offenses and requires different registration renewal periods depending on which tier the convicted offender’s sex offense is categorized under. Tier III offenders must register every 90 days for the remainder of their life; tier II, every six months for 25 years; and, tier I, annually for 15 years. Specifies the registration information regarding a sex offender that shall be posted on the Department of Public Safety’s sex offender web site. Applies to persons convicted of a sex offense on or after 7/1/05 and persons convicted prior to 7/1/05 and who, on 7/1/05, was still incarcerated, on probation or parole. Effective 7/1/12. HCPAC/HJC

HB 183 CRIMES COMMITTED AGAINST CHILDREN (Park). Amends §§30-6-1, 11,13, & 14.3 increasing the penalties for crimes committed against children. Criminal sexual penetration in the 2nd degree consists of all criminal sexual penetration on a child thirteen to eighteen years of age when the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit; criminal sexual contact of a minor in the 4th degree consists of all criminal sexual contact of a child thirteen to sixteen (from eighteen) years of age when the perpetrator is at least eighteen years of age and at least four years older than the child and is not the spouse of the child. Aggravated indecent exposure consists of a person knowingly and intentionally exposing the person’s genital area to a child under eighteen years of age, in a lewd and lascivious manner, when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child; whoever commits aggravated indecent exposure to a child under eighteen years of age is guilty of a 3rd degree felony. Amends §66-8-101 of the Motor Vehicle Act. A person who commits homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or drugs is guilty of a 3rd felony; however, if the homicide or great bodily harm is to a child under eighteen years of age, it is a 2nd degree felony. Effective 7/1/12. HRC

HB 184 GRT DEDUCTION: CONSTRUCTION SERVICE (Doyle). Amends §7-9-52 to provide a deduction from gross receipts for construction services; defines “construction service” as a service directly contracted for or billed to a specific construction project, including design, architecture, drafting, surveying, engineering, environmental and structural testing, security, sanitation and services required to comply with governmental construction regulations; excludes general business services such as legal or accounting services, equipment maintenance and real estate sales commissions. Enacts new material to provide a deduction from gross receipts for the leasing of equipment used on a construction project. Defines “construction equipment” as equipment used on a construction project, including trash containers, portable toilets, scaffolding and temporary fencing. HBIC/HTRC

- HB 185 UNEMPLOYMENT FOR CERTAIN STATE EMPLOYEES (Little).** Amends §§51-1-7 & 44 disqualifying employees from receiving unemployment compensation if they are exempt and the individual is in a policymaking or supervisory position and serves at the discretion of an agency head of a governmental entity or at the discretion of an appointee of an agency head of a governmental entity. “Governmental entity” includes the state or any political subdivision. HLC/HJC
- HB 189 GRT DEDUCTION FOR SMALL BUSINESS (Little).** Enacts new material to provide a deduction from gross receipts for small businesses if the total gross receipts of the taxpayer in the preceding calendar year did not exceed \$50,000. Effective 7/1/13. HBIC/HTRC
- HB 192 GRT DEDUCTION FOR MEDICAL EQUIPMENT (Trujillo).** Amends §7-9-73.2 to authorize a gross receipts and governmental gross receipts tax deduction from the sale of oxygen, durable medical equipment and medical supplies provided by a licensed medical durable medical equipment provider; deductions taken must be filed separately by the taxpayer on forms provided by the Taxation and revenue Department; requires annual reporting to the interim legislative revenue Stabilization and Tax Policy Committee of each deduction, the number of taxpayers taking the deduction and whether the deduction is performing the purposes for which it is stated; defines “durable medical equipment” and “medical supplies.” Effective 7/1/12. HBIC/HTRC
- HB 193 GENERAL OBLIGATION BOND PROJECTS (Trujillo).** Authorizes the sale of General Obligation Bonds for the following municipal projects: **Alamogordo:** \$130,680 for senior center plans and renovations; senior center building improvements; **Albuquerque:** \$50,000 for central kitchens of senior centers; \$30,000 to design and renovate central kitchens for senior centers; \$100,000 for senior centers equipment; \$101,724 for senior center meals equipment; \$150,000 for senior center program office improvements; \$500,000 for Los Volcanes senior center building improvements; **Artesia:** \$48,000 for senior center vehicles; \$83,000 for New Mexico Community Action Corp. vehicles; **Belen:** \$68,000 for senior center meals equipment; **Bernalillo:** \$19,410 for senior center building improvements; **Bloomfield:** \$25,000 for senior center vehicles; **Chama:** \$5,000 for senior center meals equipment; \$77,492 for senior center plans and renovations; **Clayton:** \$6,500 for senior center design and renovations; \$200,000 for senior center building improvements; **Cloudcroft:** \$3,000 for senior center equipment; \$5,000 for senior center meals equipment; **Clovis:** \$8,000 for Baxter-Curren senior center building improvements; \$3,800 senior center equipment; **Corrales:** \$23,000 for senior center equipment; **Cuba:** \$23,000 for senior center plans and renovations; **Deming:** \$39,587 for senior center meals equipment; **Des Moines:** \$2,500 for senior center plans and renovations; **Española:** \$9,360 for Beatrice Martinez senior center equipment; \$250,000 for Beatrice Martinez senior center building improvements; \$21,000 for Beatrice Martinez senior center meals equipment; \$34,903 for senior center plans and renovations; **Estancia:** \$10,000 for senior center plans and renovations; **Eunice:** \$120,000 for senior center plans and renovations; **Fort Sumner:** \$25,000 for senior center vehicles; \$23,950 for senior center meals equipment; **Hagerman:** \$150,000 for senior center plans and renovation; **Las Vegas:** \$48,000 for senior center vehicles; **Logan:** \$1,500 for senior center equipment; **Moriarty:** \$12,000 for senior center meals equipment; \$10,000 for senior center plans and renovations; **Mountainair:** \$9,500 for senior center design and equipment; **Pecos:** \$15,800 for senior center meals equipment; \$10,195 for senior center plans and renovations; **Raton:** \$15,000 for senior center building improvements; **Rio Rancho:** \$70,817 for senior center equipment; \$113,414 for senior center building improvements; **Santa Fe:** \$146,940 for Luisa senior center plans and renovations; \$134,884 for Mary Ester Gonzales senior center plans and renovations; \$8,500 for Pasatiempo senior center building improvements; \$111,900 for citywide senior centers meals equipment; \$132,000 for citywide senior centers vehicles; **Santa Rosa:** \$13,716 for senior center plans and renovations; \$41,470 for senior center meals equipment; **Socorro:** \$4,375 for senior center meals equipment; **Tijeras:** \$48,000 senior center vehicles; **Truth or Consequences:** \$16,055 for senior center meals equipment **Tucumcari:** \$8,900 for senior center equipment; \$45,000 for senior center vehicles; \$18,000 for senior center building improvements; \$29,900 for senior center meals equipment; \$24,5000 for senior center plans and renovations; **Statewide:** \$3 million for equipment and electronic resources for non-tribal public libraries. EMERGENCY CLAUSE. HTRC/HAFC

- HB 194 UNEMPLOYMENT COMPENSATION FUND CONTRIBUTIONS (Stewart).** Amends §51-1-11. From January 1, 2013 through December 31, 2013, decreases the employer contributions to the Unemployment Compensation Fund to Contribution Schedule 2. Enacts new material creating the State Unemployment Advisory Council consisting of nine members; provides for appointment of these members, directs the Council to make recommendations to the Legislature and Governor and provides for per diem and mileage for Council members. Effective 7/1/12. HRC
- HB 195 MV: CAR ACCIDENT REPORT CONFIDENTIALITY (Larrañaga).** Amends §66-7-213 of the Motor Vehicle Code to clarify accident report confidentiality. For a period of 60 days after the date a report is filed, no public employee shall allow any person, including a practitioner, an attorney, health care service provider or their agents, to examine or obtain a copy of any accident report or related investigative report when the employee knows or should reasonably know that the request for access to the report is for commercial solicitation purposes; a request to examine or obtain a copy of a report is for commercial solicitation purposes if made at a time when there is no relationship between the person requesting the report and any party to the accident and there is no apparent reason for the this person to request the report other than for purposes of soliciting a business or commercial relationship. A violation of this provision is a misdemeanor. Motor vehicle accident reports may be made immediately available to parties involved in a crash and others as specified in this section. In addition to any other requirements, a person requesting to inspect or copy a motor vehicle accident or crash report, related investigative report or supplemental report within 60 days of the accident shall: 1) produce for inspection and copying a government-issued photo ID; and 2) provide a written signed sworn statement that: identifies the requested report and the requester's relationship to the parties, includes the printed name of the requester, verifies that the requester is not prohibited from obtaining the report, and affirms that information from the reports will not be used for any commercial solicitation purpose of accident victims or knowingly disclosed to any third party for the purpose of such solicitation during the 60 day time period. In lieu of requiring the written, signed sworn statement, any law enforcement, state or local agency may provide reports by electronic means to third-party vendors under contract with one or more insurers but only when that information from a confidential report will not be used for any commercial solicitation purpose of accident victims by the vendors during the 60 day time period following filing of the report and only when a copy of the contract is furnished to the agency as proof of the vendor's claimed status. Enacts new material to make solicitation of accident reports or clients a crime and establishes penalties for such crimes. HTPWC/HJC
- HB 196 PROCUREMENT: EXEMPT SOME ONLINE SERVICES (Larrañaga).** Amends §§13-1-98, 13-1-119.1, & 2, 13-1-125, &13-1-154.1. Exempts from the Procurement Code purchases of certain online electronic references or training materials and online electronic legal support services, including legal and investigative research services and reference tools with system functionality; increases the amount from \$5,000 to \$10,000 of certain prepaid purchases that are exempt from the Procurement Code; eliminates the monetary threshold amount of \$10 million when authorizing certain design and build project delivery systems; eliminates the requirement that the Department of Transportation using a design and build project delivery system with a construction cost of more than \$50 million be funded in whole or in part by the grants programs of the Federal American Recovery and Reinvestment Act. Increases the dollar limit from \$20,000 to \$60,000 for small purchases; increases the dollar limit from \$200,000 to \$500,000 for multiple source contracts for procurement of architectural or engineering design services. Effective 7/1/12. HTPWC/HLC/HBIC
- HB 202 CHANGE BASIS OF GAS TAX (Gonzales).** Amends §§7-13-3 & 3.1, 7-16A-3, 4 & 6 to change the basis of the gasoline tax and the special fuel excise tax from the number of gallons sold to the value of fuel sold. Requires the Taxation and Revenue Department to publish a table converting the percentage tax, pursuant to this bill, to an equivalent cents-per-gallon for use when necessary to calculate the rate of the gasoline inventory tax and the rate of the special fuel inventory tax. Effective 7/1/12. HTPWC/HTRC
- HB 205 RAISE AND CHANGE GAS TAX DISTRIBUTION (Vigil).** Amends 7-1-6.7 -10, 7.1.6-19, 27, 28 & 39. Enacts new material. Increases the gasoline tax and special fuel excise tax by 4 cents for distribution

to a new Highway District Project Fund. Adjusts the distribution to the other funds accordingly. Effective 7/1/12. HTPWC/HTRC

HB 206 CONCEALED HANDGUNS IN STATE PARKS (Cook). Authorizes the carrying of licensed loaded concealed handguns in state parks or recreation areas. Effective 7/1/12. HCPAC/HHGAC/HJC

HB 207 STATE & MUNICIPAL ELECTION CODES: VOTER ID & DWI TEMPORARY LICENSES (Smith). Amends the State and Municipal Election Codes to require the following identification in order to vote in person: (1) physical form of ID issued by a government and that: contains the name of the voter that reasonably matches the name on the certificate of registration; contains a photo, unless an ID or letter of enrollment in a federally recognized Indian nation tribe or pueblo is provided; may or may not contain an address that matches the certificate of registration; and, may or may not contain an expiration date, but if it does, the date is not required to be a date on or after the election in which the ID is used; and, (2) a form containing information filled out and signed by the voter that contains the voter's month, day and year of birth and the voter's social security number. To vote by mail, a voter must submit a form containing their (1) driver's license or ID card number; (2) voter's month, day and year of birth and full social security number. Requires the Secretary of State, per an agreement with the Motor Vehicle Division, to provide the county clerks access to the driver's license database for the purpose of verifying voter registrations, processing absentee ballots and qualifying provisional ballots. Permits the voter to be assisted in filling out the forms necessary to vote. Establishes additional procedures for rejecting or accepting provisional ballots relating to the new ID requirements. Enacts similar procedures in the Municipal Code dealing with voting at the polls, challenges and absentee voting. Enacts new requirements for the Secretary of State to notify voters of the new voter ID requirements. Prohibits municipalities, counties, school districts, community colleges, branch community colleges and home rule municipalities and any other political subdivisions conducting elections pursuant to the State or Municipal Election Codes from adopting or continuing in effect any ordinance, rule, regulation or resolution regarding voter identification except as provided in the State and Municipal Election Codes. Also amends §66-8-111.1, regarding driver's license revocation for DWI; removes language requiring a law enforcement officer to take the license of the driver and provides that a written notice of license revocation and of a right to a hearing served on the driver shall serve as a temporary license. HCPAC/HVEC/HJC

HB 208 PROCUREMENT: CONTRACTOR REGISTRATION & CONTRIBUTIONS (Taylor). Enacts 3 new sections. Requires prospective contractors, prior to entering into a contract with a state agency or local public body, to register with the General Services Department as to any contracts they currently have with a state agency or local public body and the amount and term of the contract. "Contract" is defined as an agreement or transaction with a state agency or local public body having a value of \$50,000 or more, or a combination of a series of such agreements or transactions having a value of \$50,000 or more in a fiscal year, and includes contracts for licensing arrangements and purchase of financial securities or instruments. Requires the prospective contractor to update any of the required information prior to responding to a solicitation from a state agency or local public body; requires prospective contractors to disclose all contributions given by a principal of the prospective contractor to a state or local public officer of the agency soliciting the contract during the two years prior to the date of response to a solicitation if the total contributions exceed \$250 over the two-year period. Also prohibits contributions during the pendency of the procurement process. Requires the state agency or local public body that makes the solicitation to provide a list to prospective contractors indicating the name of each public officer for which disclosure is required. "Local public officer" is a person elected to an office, or a person appointed to fill an elected position in a political subdivision. The disclosure statements shall be completed on line and shall be posted on the Department's web site. Allows a principal of the contractor to request a full reimbursement from a recipient if they inadvertently make a contribution during the pendency of the contract and the contractor is not in violation if the reimbursement is made within 30 days after the contribution was made. Requires the purchasing agent or contract evaluation committee to review the contractor's submitted information and certify that they have properly registered with the Department and submitted the required list. Authorizes a solicitation for or proposed award or an executed contract to be canceled or terminated if it is in the best interests of the state or local public body

when a contractor fails to submit a fully completed disclosure statement or makes a prohibited contribution. The definitions of “local contractor” and “prospective contractor” exempt state agency or political subdivisions or their employees, whether full- or part-time. Repeals Section 13-1-191.1, the current law relating to disclosure of campaign contributions by prospective contractors. HBIC/HJC

- HB 210 REMOVAL OF PUBLIC OFFICIALS FROM OFFICE (Cook).** Amends §10-1-2. Provides that if a person who holds a public office in this state is convicted of a felony, the person shall be deemed to have resigned from the public office immediately upon conviction, and the office shall be deemed vacant; “public office” means: any elective office in the state; the office of a cabinet secretary; or an appointed position on a public board or commission; all funds belonging to the person’s campaign committee shall be subject to forfeiture pursuant to the Forfeiture Act; upon forfeiture, any funds shall be deposited into the Voting System Revolving Fund. HCPAC/HVEC/HJC
- HB 211 PROHIBIT INTOXICATION FOR PEOPLE UNDER 21 (King).** Amends 32A-2-3, the Delinquency Act & 60-3A-1, the Liquor Control Act. Makes it a misdemeanor under the Liquor Control Act for a minor (under 21) to be visibly in an intoxicated condition (added to the section including the offenses of buying, receiving, possessing or permitting being served with alcohol). For a 1st violation of this section: (1) the offender shall be ordered to perform 30 hours of community service, preferably related to reducing DWI, and may include attending a victim impact panel; (2) the driver’s license shall be suspended for 60 days, or if the offender is too young to have a license, the 60 days is added to the date the minor would otherwise become eligible to obtain a license; (3) offender shall attend an alcohol prevention or early intervention program approved by the local DWI program; and (4) if the offender successfully completes these requirements, an adjudication of guilt shall not be entered and the offender shall be discharged and the proceedings dismissed; the discharge may only occur once with any person; adds the new offense under the definition of a “delinquent act”. Effective 7/1/12. HCPAC/HJC
- HB 212 GALLUP: I-40 INTERCHANGE PROJECT (Lundstrom).** Appropriates \$5 million from the General Fund to the Department of Transportation in fiscal years 2013 and 2014 to continue phase 2 of planning, design, and construction for the interchange project at Allison Road and I-40 in Gallup. HTRC/HAFC
- HJR 18 CA: LEAVE FROM WORK FOR LEGISLATORS (Smith).** Proposes to amend Article 4, Section 10 of the NM Constitution to require a legislator who receives a salary paid from public money to take annual leave or leave without pay for attendance at legislative sessions and meetings. HVEC/HJC
- HM 21 RECOGNIZE YOUTH ADVISORY BOARDS & COUNCILS (Irwin).** Requests municipalities to establish youth advisory councils or commissions, congratulates those that have already done so and recognizes the unselfish and significant contributions made by youth advisory boards, councils and commissions; cites that the National League of Cities has incorporated a youth voice into its Institute for Youth, Education and Families; recognizes that youth advisory councils have been formed by the mayors of Santa Fe, Rio Rancho, Farmington, Albuquerque and Red River and by Deming High School to formally create a community role for the youth voice in the community or upon request from the municipal governing bodies; also cites a previous Senate Memorial that endorsed the Las Vegas youth commission as a model youth participation project in local government. HHGAC
- HM 27 KIRTLAND AFB CLEANUP EFFORTS, IN RECOGNITION (Stapleton).** To express appreciation for the positive work that the Air Force, the City of Albuquerque and the state have done in partnership to clean ground water impacted by the Bulk Fuel Facility spill and for the community’s and neighbors’ patience during the testing phase. HENRC
- HM 32 MCKINLEY COUNTY/GALLUP DAY (Lundstrom).** Designates January 26, 2012 as McKinley County/Gallup Day to honor and showcase the many facets of McKinley County and the City of Gallup.

- *SB 52 NO PRECINCT WORKER BENEFIT SUSPENSION (Muñoz).** Amends §1-2-16; for purposes of determining eligibility for membership in the Public Employees Retirement Association and pursuant to the provisions of Subsection B of §10-11-3 NMSA 1978, precinct board members are designated as seasonal employees; suspension of benefits under PERA do not apply to retired employees working as precinct board members working in a municipal election or an election covered by the Election Code. EMERGENCY CLAUSE. SCC/SRC/SJC
- SB 56 MV: HAY TRANSPORTATION PERMITS & DISTANCES (Ingle).** Amends §66-7-413.1; a vehicle used to transport loads of hay greater than 102 inches wide may be issued a special permit to transport loads pursuant to §66-7-413 NMSA 1978, provided that the vehicle is marked on the front and the rear with “OVERSIZED LOAD” signs; the signs covered by the special permit shall be specified on the permit. SCC/SCORC/SPAC
- SB 58 CRIMINAL SEXUAL PENETRATION OF A CHILD UNDER 5 (Garcia, MJ.)** Amends § 30-9-11; all sexual penetration of a child under five years of age is considered to be an aggravated criminal sexual penetration violation. Effective 7/1/12. SCC/SPAC/SJC
- SB 59 CHILD MURDER AS AGGRAVATING CIRCUMSTANCE (Garcia, MJ).** Amends §31-20A-5; adds to the provisions of aggravating circumstances for jury consideration the murder of a child under 13 years of age; amends the section to add if murder was committed for hire or murder of a witness to a crime to prevent testimony to a crime is an aggravating circumstance. Effective 7/1/12. SCC/SPAC/SJC
- SB 61 CENTENNIAL MAINSTREET FESTIVALS (Garcia, MJ.)** New material appropriates \$1 million from the General Fund to the Department of Tourism in fiscal year 2012 to develop, market and promote centennial MainStreet festivals in 22 New Mexico MainStreet communities. SCC/SPAC/SFC
- SB 62 ANIMAL CRUELTY DEFINITIONS (Garcia, MJ).** Amends §30-18-1 to define an animal as all non-human vertebrates; cruelty to animals includes: failing to provide sufficient food to maintain a normal weight; water of drinkable temperature; adequate, clean pest-free suitable shelter; proper veterinary care and timely medical care in the event of injury; and tethering or tying an animal in a manner that precludes the animal’s access to food, water or shelter. Whoever commits cruelty to animals is guilty of a fourth degree felony if: 1) the person has been previously convicted of cruelty to animals in New Mexico or other jurisdictions; 2) has previously been convicted of domestic violence; or 3) the person knowingly commits animal cruelty in front of a person 18 years of age or a minor child. Extreme cruelty to animals includes causing the death of an animal by abandonment or tethering an animal that results in death of the animal; penalty for extreme cruelty is a fourth degree felony with the same provisions as animal cruelty. SCC/SPAC/SJC
- SB 63 LOCAL GOVERNMENT TRANSPARENCY ACT (Garcia, MJ.)** New material creates the Local Government Transparency Act that applies to a Class A county or an incorporated municipality with a population as shown by the most recent federal decennial census of more than 15,000; requires the Local Government Division, in cooperation with the Department of Information Technology, to develop, operate and maintain a single internet web site that is free, user-friendly, searchable and accessible to the public known as the “local government portal” to host financial information for each local government for the purpose of governmental transparency and accountability. No later than July 1, 2014, the portal shall have at a minimum, the following: 1) the local government’s cash balance by account; 2) annual operating budget with monthly expenditures; 3) contract and contract prices; 4) local government revenues by type; 5) capital project expenditures; 6) a directory of all employees with salaries; 7) a link to an open meeting tracker web site that the local government has posted meeting announcements; 8) a link to the local government’s ordinances or municipal code and/or charter; 9) an annual summary of the government’s fiscal health; and 10) any additional information to assist the public in understanding local government. The Local Government Division is to promulgate rules to carry out provisions of the Act; a local government may maintain its own web site and not submit information to the portal if the local government updates its own site at least quarterly; requires the state’s portal to maintain a link to the local government portal. SCC/SPAC/SFC

- *SB 65 SEVERANCE TAX BOND PROJECTS (Cisneros).** Authorizes the sale of Severance Tax Bonds for the following municipal projects: Cumbres & Toltec Railroad - \$800,000 for track and passenger car rehabilitation; \$ 1 million to the Economic Development Department for infrastructure and renovation projects in downtown MainStreet districts; \$11 million to the Department of Finance and Administration for completion of projects impacting the health and safety of the general public at the local government level statewide; and \$15 million to the Transportation Department for investment projects statewide, provided that \$6 million of the appropriation is contingent on equal matches by local political subdivisions. EMERGENCY CLAUSE. SCC/SFC
- *SB 66 GENERAL OBLIGATION BOND PROJECTS (Cisneros).** Same as HB 193. EMERGENCY CLAUSE. SCC/SFC
- SB 67 SECONDHAND METAL DEALER REQUIREMENTS (Neville).** Same as HB 118. SCC/SCORC/SJC/SFC
- SB 69 NMFA AS COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION (Keller).** New material authorizes the New Mexico Finance Authority to form one or more non-profit or for-profit financing entities for the purpose of participation in the federal Community Financial Institutions Funds Programs; authorizes the NMFA to: 1) apply for and obtain one or more certifications for Community Development Financial Institutions Fund status; 2) provide financial products to one or more target markets; 3) provide development services to one or more target markets; and 4) take all necessary actions to carry out the purpose of the Certified Community Development Financial Institutions to participate in the federal program. SCC/SCORC/SFC
- *SB 70 FORECLOSURE MAINTENANCE ORDINANCE REQUIREMENT (Keller & E. Chavez).** New material creates the Foreclosure Maintenance Act; requires a municipal or county governing body, by ordinance, to compel the legal owner of abandoned residential real property to maintain the structure and land within the lot lines of the property; the ordinance enacted shall contain at a minimum the following: 1) the violation of any provision of the ordinance shall be subject to a citation and may be subject to a monetary penalty; 2) notice of the alleged violation to the legal owner, including a description of the conditions that gave rise to the allegations; 3) notice of intent to impose a monetary penalty if action by the legal owner to correct the violation is not commenced within a period of time of not more than 14 days and completed within a period of 30 days; 4) notice of a period of not less than 30 days for the legal owner to remedy any violation prior to the imposition of a monetary penalty; 5) a process to allow the legal owner an opportunity to contest the allegations; 6) a process used in determining the amount of the penalty imposed that includes consideration given to any timely and good faith effort by the legal owner to remedy the violation; and 7) a maximum penalty of \$1,000 for each day that the legal owner fails to maintain the property, commencing on the day following the expiration of the period allowed to remedy the violation established by the local ordinance. The ordinance may include provisions to establish different compliance periods for different conditions on the same property; the ordinance may provide less than 30 days notice to remedy a condition before the imposition of a penalty if it is determined that a specific condition of the property threatens the public health or safety; monetary penalties collected shall be directed to the governing body's local nuisance abatement program and other similar local programs as determined by the governing body. Provisions of an ordinance enacted in accordance with the Act apply only to abandoned residential real property. EMERGENCY CLAUSE. SCC/SPAC/SJC
- SB 71 INTERLOCKS FOR CERTAIN CRIME CONVICTIONS (Asbill).** Amends §66-5-502 to add homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or drugs to the offenses for which a driver's license may be revoked; a person convicted of homicide by vehicle or great bodily harm by vehicle while under the influence may not be issued an ignition interlock license unless the person has completed serving the sentence for the crime, including any period of probation, and the person's probation and parole officer has approved a limited driving privilege during the probationary or parole period for the purpose of engaging in gainful employment, attending school or attending a court-ordered treatment program. Effective 7/12/12. SCC/SPAC/SJC

- SB 72 BOATING ACCIDENT LAW ENFORCEMENT NOTIFICATION (Harden).** Amends §66-12-12; the operator of a vessel involved in a collision, accident or other casualty involving a vessel and resulting in death or injury to a person, disappearance of a person from a vessel, public or private property damage in excess of \$500 or complete loss of a vessel shall notify, by the most prompt means, the Motor Vehicle Division, the nearest law enforcement agency or the state police; if the operator of the vessel is 18 years of age or younger, the operator's parents shall make the notification. SCC/SPAC/SJC
- *SB 79 NO PRECINCT WORKER BENEFIT SUSPENSION (Rodriguez).** Same as SB 52. EMERGENCY CLAUSE. SCC/SRC/SJC
- SB 82 SCHOOL DISTRICT POLICE FORCES (Neville).** New material authorizes school districts to establish a police force and adopt policies and rules applicable to the police force; a school superintendent, with authority from the school board, may employ and assign duties to officers. Police officers of a school district: 1) shall be New Mexico certified law enforcement officers; 2) shall have the powers of peace officers within the exterior boundaries of the district; 3) shall at all times while on duty carry commissions of office issued by the local school board; 4) shall be required to participate in on-going, specialized training that focuses on working with children and adolescents, with such training to be provided by the school districts at no cost to officers; 5) may enforce all applicable laws within the exterior boundaries of the district; 6) may make arrests for violations of law, but no arrest is valid unless the officer, at the time of the arrest, is wearing a distinctive badge issued by the local school board and wears a uniform prescribed by the board; a local board shall report to the appropriate interim committee on the force's operations, practices, procedures, training programs, discipline of students and school safety within one years after formation. Until June 30, 2015, funding for school district police forces is to come from the Law Enforcement Protection Fund; requires the Local Government Division to determine the relative needs of school district police forces and set the distributions; after June 1, 2015, the Division is to recalculate distributions, not including school district police forces. Repeals the section creating school district police forces on June 1, 2015. Effective 7/1/2012. SCC/SEC/SJC/SFC
- SB 87 CREATE FRONTIER COMMUNITIES PROGRAM (Garcia, MJ).** Amends §3-60B-4; the Coordinator of the MainStreet Program in the Economic Development Department is to assist in the development of the Frontier Communities Program, which is not defined in the bill. SCC/SPAC/SFC
- SB 91 MV: NO CITATIONS IN CERTAIN CASES (Martinez).** Amends §66-3-1 that permits a person charged with a violation of the motor vehicle registration provision to not be convicted if the person produces, in court, evidence of compliance valid at the time of issuance of the citation; same applies for a person charged with not being able to produce a signed registration at the time of the citation and not having a driver's license on his person. Amends §66-5-39; a person convicted of driving on a suspended license shall be incarcerated for not less than four days and not more than 364 days, participate in an alternative sentencing program and fined not more than \$1,000. New material makes driving on a revoked license due to a violation of driving under the influence a misdemeanor and that the person shall spend a minimum of seven consecutive days in jail and be fined not less than \$300 and no more than \$1,000 and the imprisonment and fine cannot be suspended, deferred or taken under advisement; amends §66-5-205 concerning financial responsibility; a person charged with not having proof of financial responsibility at the time of the citation shall not be convicted if the person produces in court evidence of financial responsibility valid at the time of the citation's issuance; amends §66-8-116 to add eight new violations to the state Penalty Assessment Program. Requires a court to notify the Motor Vehicle Division if a defendant fails to appear on a charge of violating the Motor Vehicle Code or other laws or ordinances relating to a motor vehicle. Effective 7/1/12. SCC/SPAC/SJC
- SB 97 CRIME OF FAILURE TO REPORT DEATH OF A CHILD (Jennings).** Same as SB 13, except this bill adds the provision that an adult person with Alzheimer's or another degenerative brain disorder is included in the definition of the disappearance of a person. SCC/SPAC/SJC
- SB 111 ALCOHOL L SERVER TRAINING AND PENALTIES (Burt).** Same as HB 175. SCC/SPAC/SJC

- SB 115 PERA: SALARY TIERS AND RETIREMENT (Beffort).** Creates new contribution rates for certain membership plans, including State General Member Coverage Plan 3, State Police Member and Adult Correctional Officer Member Coverage Plan 1 and State Hazardous Duty Member Coverage Plan ; increases contribution rates for those making more than \$50,000 and those making more than \$100,000. Effective 7/1/12. SCC/SPAC/SFC
- SB 117 STATE ELECTION CODE: ELECTIONS COMMISSION ACT (Feldman).** New material creates the Office of Elections as an adjunct agency that is to perform duties pertaining to the state administration of elections pursuant to the Election Code; creates a six-member Elections Commission whose members are appointed by the Association of County Clerks, the Governor and the Legislative Council; Commission is to be headed by a Director. The Commission, which would have most election duties now performed by the Secretary of State's office, would formulate policies for the operation and conduct of elections, supervise the Office of Elections, approve an annual budget, decide, by majority vote, any disagreements between the Office and state or local officers pertaining to elections, and prepare an annual report for the Governor and Legislature. The Director of Elections is the chief election officer of the state and shall maintain uniformity in the application, operation and interpretation of the Election Code; the Office of Elections is to advise county clerks, boards of county commissioners and boards of registration as to the proper methods of performing their duties prescribed by the Election Code. Effective 7/1/2013. SCC/SRC/SJC/SFC
- SB 131 PROTECTIVE VESTS FOR POLICE DOGS (Morales).** Amends §29-13-7, the Law Enforcement Protection Fund, to allow expenditures from the Fund for law enforcement equipment, including protective vests for police dogs. SCC/SPAC/SFC
- SB 132 PROCUREMENT: RESIDENT VETERAN BUSINESS PREFERENCES (Ulibarri).** Same as HB 97. Effective 7/1/12. SCC/SPAC/SCORC
- SB 135 DWI INTERLOCK LEASING (Griego, P.).** Amends §11-6A-3 to authorize proceeds from the Local DWI Grant Fund to be used for leasing ignition interlock devices for indigent people who are required to install the devices on their vehicles. SCC/SPAC/SJC
- SB 138 GRT: AGRICULTURAL EQUIPMENT DEDUCTION (Ingel).** New material; until July 1, 2017, creates a gross receipts compensating tax and a gross receipts tax deduction for capital investments made in construction or equipment directly related to agricultural production or processing of agricultural goods; the deduction must be reported separately from all other deductions and identify individually as to the amount and nature of the investment for which the deduction is taken. The purposes of the deductions are to encourage purchases of agricultural equipment in order to enable greater agricultural production and processing and to stimulate construction or renovation of agricultural processing facilities. Annually, beginning in 2014, the Department of Taxation and Revenue shall report to the Revenue Stabilization and Tax Policy Committee regarding the data compiled from reports from taxpayers taking the deductions and the effectiveness of the deduction in fulfilling its purpose. SCC/SCORC/SFC
- SB 139 NMFA COMMUNITY FINANCIAL INSTITUTION (Garcia MJ).** Same as SB 69. SCC/SCORC/SFC
- SB 144 ALCOHOL SERVING HOURS ON SUNDAY (Ryan).** Amends §60-7A-1 to allow liquor by the drink on Sundays to begin at 10 a.m. instead of noon in local option districts that have voted to authorize Sunday sales by the drink. SCC/SPAC/SJC
- SB 155 CHILD SEXUAL OFFENSE PROSECUTION TIME (Curtis).** Amends §30-1-9.1; the statute of limitations for certain child sexual offenses begins whenever the violation is reported to a law enforcement agency, or when the victim turns 50 years of age, whichever comes first. Effective 7/1/12. SCC/SPAC/SJC

- SB 164 SOLID WASTE ACT PUBLIC HEARINGS (Griego, P.).** Amends §74-9-22 to require the Environmental Improvement Board to adopt regulations specifying the content of an application notice to include a statement that: 1) a hearing may occur on the application, subject to a later determination that the application is complete and that there is significant public interest; 2) no hearing may be held if there is not significant public interest; and 3) any member of the public may comment to the Secretary of the Environment Department about whether there is significant public interest and how to provide such comments. In the event a public hearing is not held on an application, the Director of the Environmental Improvement Division shall, within 60 days after the application is deemed complete, issue a permit, issue a permit with terms and conditions or deny a permit application; the issuance, refusal to issue or modify and revocation of permits for solid waste facilities if the Director determines there is significant public interest is subject to a prior hearing. No permitting actions may be taken without a prior hearing until 31 days after the Board has adopted a definition of “significant public interest” and a procedure to determine whether there is significant public interest warranting a hearing on the permit application. SCC/SCORC/SFC
- SB 172 NAMING OF PUBLIC PROPERTY OR PROGRAMS (Boitano and Rep. James).** New material prohibits the state or any of its political subdivisions, including home rule municipalities, from naming, whether officially or unofficially, any portion of the whole of real or personal property or any publicly funded program after a public official during the public official’s term of office, regardless of the funding source for the public property or program; public buildings are not required to be named after a person; no public building built in whole or in part with public money shall be named after or in honor of a living person; for state buildings under control of the Property Control Division of the General Services Department, the Secretary of General Services shall appoint a naming committee to develop a list of at least three names for review by the Secretary; for state agencies, public school facilities authorities, the judicial branch and the legislative branch, the Secretary, Director, Board, Commission or other final decision-maker shall appoint a naming committee; for public buildings that are not state buildings, the executive head of the political subdivision shall appoint the naming committee; naming committees shall conduct extensive research and solicit input from the State Historian and the community in which the public building is located. SCC/SRC/SPAC
- SB 178 DWI: DRIVER’S LICENSES FROM OTHER STATES (Asbill).** Amends §66-5-5 to allow a person convicted of DWI in another state and whose license has been reinstated as a valid license in that state to forgo the requirement of obtaining an ignition interlock license in New Mexico. SCC/SPAC/SJC
- SB 181 GRT: DEDUCTIONS FOR OUT-OF-STATE SERVICES (Beffort).** New material authorizes a deduction from gross receipts taxes for receipts for services to out-of-state- purchasers by small businesses; out-of-state means that delivery of the service is to an address outside of New Mexico; small business means a business with fewer than 10 employees, including all persons for whom the business pays part or all of the person’s social security taxes and that has paid gross receipts taxes for the five consecutive years prior to the first year in which the deduction is claimed. Effective 7/1/12. SCC/SCORC/SFC
- SB 188 GRT: MEDICAL EQUIPMENT AND SUPPLIES (Papen).** Same as HB 192. Effective 7/1/12. SCC/SCORC/SFC
- SB 199 EXPEDITE ENERGY TRANSMISSION LINES SITING (Griego, P.)** Amends §62-9-3; if a person files an application for approval of a transmission line that has been approved by a regional transmission organization or other transmission planning coordinator, the Public Regulation Commission shall issue a final order on the application within 180 days after the application was filed, notwithstanding any other provisions allowing for additional time for consideration by the Commission; the Commission may approve the application notwithstanding the prior negative findings, rejection, failure to act or disapproval of a county or municipal agency, board or commission, and the judgment of the Commission shall be conclusive on all questions of siting, land use, aesthetics and any other state or local requirements affecting the siting; as used in this section, “transmission line” means an electric transmission line and associated facilities designed for or capable of operations at a nominal voltage of 230 kilovolts or more.

An electric transmission company that is not otherwise subject to the jurisdiction of the Commission may apply to the Commission for an expedited location approval to develop transmission lines pursuant to this section. SCC/SCORC/SJC

- SB 201** **CRIME OF STATE AUDIT OBSTRUCTION (Griego, P.).** New material defines obstruction of a state audit as: 1) making or causing to be made to the State Auditor or his designee or agent a false or misleading report with the intent of deceiving or misleading the Auditor or his agent in the performance of an audit, special audit, examination or investigation being conducted pursuant to the Audit Act; or 2) intentionally obstructing the State Auditor or his designee or agent in performance of such audit, examinations or investigations; whoever commits obstruction of a state audit is guilty of a misdemeanor. If the State Auditor believes a person has committed or is about to commit obstruction, the Auditor shall refer the matter to the Attorney General or district attorney for enforcement; a civil action in district court may be undertaken by the Attorney General or district attorney and an order for a civil penalty of \$250 for each violation not to exceed \$5,000 may be obtained. Effective 7/1/12. SCC/SPAC/SJC
- SB 207** **GRT: INTERNET SALES (Griego, E.).** Repeals §7-9-7.1; the repeal would allow for collection of gross receipts and compensating taxes on some internet sales for personal use. SCC/SCORC/SJC/SFC
- SB 214** **PROCUREMENT: NEGOTIATING BEST AND FINAL OFFERS (Asbill).** New material states proposals shall be unconditionally accepted for consideration without alteration or correction, except as authorized in the Procurement Code; proposals shall be evaluated based on the requirements set forth in the request for proposals, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability; those criteria such as discounts, transportation costs and total or life-cycle costs that will affect the price shall be objectively measurable and defined by rule. No criteria shall be used in the proposal evaluation that are not set forth in the request; a proposal submitted by a prime contractor not registered as required shall not be considered; if the highest ranking offeror has otherwise qualified, and there is no change in the original terms and conditions, the highest ranking offeror may negotiate with the purchaser for a lower total price in order to avoid rejection of all proposals for the reason that the lowest price was up to 10 percent higher than budgeted project funds; such negotiations shall not be allowed if the price in the highest ranked proposal was more than 10 percent over budget funds. SCC/SCORC/SJC
- SB 218** **STATE ELECTION CODE: STRAIGHT PARTY ELECTION BALLOTS (Sanchez, M.).** New material allows straight party voting in a general election where more than one party is on the ballot. SCC/SRC/SJC
- SB 219** **STATE AVIATION FUND USES (Sanchez, M.).** Amends §7-1-6.7 to remove the June 30, 2012 sunset for distributions to the State Aviation Fund; amends §64-1-15 to authorize State Aviation Funds to be used for planning, program administration, construction, equipment, materials and maintenance of a system of airports, navigation aids and related facilities. SCC/SCORC/SFC
- SJM 29** **ADDRESS INSTITUTIONAL RACISM (Lopez).** Request every state-funded agency and entity to adopt a policy to address institutional racism no later than January 1, 2013. SRC/SPAC
- SM 16** **STUDY ABQ-BERNALILLO WATER AUTHORITY (McSorley).** Requests the Mid-region Council of Governments to convene a task force to study the ability of the Authority to accomplish its required duties and responsibilities and to identify alternative approaches to Board composition of the Authority; urges the task force to collect data, foster dialogue and identify strategies that will strengthen the ability of the Authority to meet the current and future water utility needs of the city and county; recommends the task force study the structure of the Board and an electoral process and recommend any necessary changes in the process to the Board; requests the task force advertise its meetings in a newspaper of general circulation and that its meetings be open to the public. Asks the task force to present its findings to the appropriate interim committee by November, 2012. SRC/SCONC

- SM 18 PERA: EVALUATE PUBLIC SAFETY MEMBERS RETIREMENT (Muñoz).** Requests the Legislative Council to create the Public Safety Pensions Task Force to evaluate the existing retirement plans for all municipal and state public safety members of PERA and to assess the options and make recommendations for changes to those plans that will help ensure their continued solvency; the task force is to provide its recommendations and their impact on the solvency of the plans to the interim Investments and Pensions Oversight Committee no later than October 1, 2012; the task force is to identify any unique health and safety aspects associated with police, firefighters and other uniformed occupations based on existing studies by recommended experts; one of the nine members of the task force shall be the executive director of the Municipal League. SRC/SPAC
- SM 22 VOLUNTEER FIREFIGHTER DAY (Morales).** Declares February 7, 2012 as Volunteer Firefighter Day at the New Mexico Senate. President's Table.
- SM 27 COVERAGE FOR CHILDREN HURT BY NEGLIGENCE (Curtis).** Requests the Legislative Health and Human Services Committee to study the vital public policy question of the moral and financial obligations that a public employer has to children catastrophically injured through the negligence of public employees; the Committee should consider the dire effects of the medical-expense cap on an injured child and the child's family; the Committee should study the need to increase the cap or to provide coverage through other avenues, such as insurance or reinsurance, and that the study include the availability and costs of purchasing insurance or self-insuring sufficiently to pay for the actual costs of the lifetime medical care necessary to properly care for children catastrophically injured through the negligence of public employees. SRC/SJC