

## Session Summary

Another New Mexico Legislative session has come and gone and is now in the record books (thankfully). Like all sessions, the 2019 one was unique, interesting, entertaining, frustrating and, sometimes, rewarding. Let's take a quick look at what happened:

All of the New Mexico House of Representatives were up for election in November, and New Mexico had its version of the national "blue wave." There are now 46 Democrats and 24 Republicans in the House, the largest Democratic majority since 1994 (53-17). State Senators are not up for election until next year, so that body stays at 26 Democrats and 16 Republicans.

New Mexico also elected a new Governor, Michelle Lujan-Grisham, who is a former Bernalillo County Commissioner, U.S. Congresswoman and long-time cabinet secretary for Governors Bruce King, Gary Johnson, and Bill Richardson.

In the 2019 Legislative session, the House introduced 695 bills, 16 joint memorials, 11 joint resolutions, and 94 memorials. The Senate introduced 675 bills, 20 joint memorials, 19 joint resolutions, and 131 memorials. We, along with many legislators, expected a much larger number of bills. In all, the Legislature passed 309 bills and the Governor signed 281, vetoed 15, and pocket vetoed 13.

In the tax arena, the counties were finally able to "de-earmark" many of our gross receipts tax silos, a major accomplishment. A big thanks to Representative Jason Harper, Legislative Council Service drafter Pam Stokes, and former New Mexico Counties (NMC) financial whiz Santiago Chavez for wrapping this up for us. The NMC legislative team also worked all session on HB6, through its many iterations. In the final version, county government made out very well, receiving our local gross receipts tax increments on internet sales and compensating tax, leaving the "hold harmless" existing structure in place, and adding half of the motor vehicle excise tax increase to the local road fund.

This year, the counties also made big strides in our efforts to address behavioral health care, especially in our detention centers. HB43, sponsored by House Majority Leader Sheryl Stapleton, will provide therapeutic services to individuals in our rural county jails who have serious mental health issues. Grace Philips, NMC General Counsel, was very instrumental in finally pushing through a fix for some of the unintended consequences of the "forfeiture reform" of 2015, in addition to helping make several "bad" bills more palatable (e.g., restricted housing in detention centers).

In the final budget that was passed and signed, counties missed out on "new money" for detention and transport of state prisoners, and we were not able to find consensus on how to deal with the crisis in emergency medical services. We did have several "wins," including elimination of the "notwithstanding" language in House Bill 2 regarding the administrative fee charged by the Taxation and Revenue Department to local government (saving local governments about \$6 million). HB2 also contained over \$400 million dollars for transportation projects, including over \$50 million for the local road fund.

Steve Kopelman, Executive Director  
505.469.5584  
[skopelman@nmcounties.org](mailto:skopelman@nmcounties.org)

Brian Moore, Government Relations  
505.670.9311  
[brian@ranchmkt.com](mailto:brian@ranchmkt.com)

## NMC Priorities

### HB6 Tax Changes

Trujillo, J.; Stapleton; Martinez, J.; Herrera; Maestas

A 139-page House version of the tax package assembled by the Revenue Stabilization and Tax Policy Committee. Substantial changes to most major tax programs. It is a blend of new ideas with proposals advanced in prior sessions.

**04/04/2019 – Signed by the Governor;** HB6 is the major tax bill for this legislature. There was considerable negotiation between the House version (\$350 million increase) and the Senate version (\$100 million increase). In both versions, the “hold harmless” taxes are left alone, plus in two years counties will receive their GRT increments on internet sales and compensating taxes. The compromise between the Senate and House versions included an increase in personal income taxes (5.9% for couples making more than \$315k, which only kicks in if actual revenues increase less than 5% in 2022 per Senator Neville), an increase to the low-income tax credit, a decrease to the depreciation allowance, and an increase of 1% in the motor vehicle excise tax. The bill was signed by the Governor with minor changes.

---

### HB479 De-earmark Local Option Gross Receipts Harper; Ivey-Soto; Dow; Martinez, J.; Chandler

(Relates to HB6, SB358 & SB421) 76-page bill folds several of the municipal local option gross receipts taxes into the municipal gross receipts tax and several county local option gross receipts taxes into the county gross receipts tax.

**04/05/2019 – Signed by the Governor;** This is the counties' major tax bill of the session. It de-earmarks many of our increments so counties can spend their tax dollars based on local priorities. It also allows counties to impose increments in decimals, rather than fractions of a percent.

---

### HB2 General Appropriation Act of 2019

Lundstrom

House Appropriations and Finance Committee substitute for HB2 and HB3 is a 213- page bill that reflects State Government's budget for fiscal year 2020, making appropriations in 11 major categories

**04/04/2019 – Signed by the Governor;** HB2 went through a conference committee without a lot of changes. Unfortunately, counties did not see any increase in our reimbursement for state prisoners. There is money going into the Local Road Fund, and this budget does not include the “notwithstanding” language, regarding the extra .25% change to local government for the administrative fee paid to the Taxation & Revenue Department, that will save the counties over \$2 million on a reoccurring basis. HB2 was signed by the Governor with only minor changes.

---

### HB43 Behavioral Health Interventions

Stapleton

(Related to 2018 HB160) Appropriates \$1.5 million (GF) to Human Services Department for use in FY 2020 to fund awards to counties that apply for behavioral health services funding. Adds a duty to the Behavioral Health Services Division of HSD to provide for interventions for adult and juvenile offenders with behavioral health diagnoses.

**04/04/2019 – Signed by the Governor;** The \$1.5 appropriation will help rural and frontier counties with recidivism in our detention centers.

---

### HB312 Seizure & Disposition of Forfeited Property

Chandler; Ivey-Soto

For forfeitures under local law, requires conviction by a criminal court of a felony offense and clear and convincing evidence that the property is subject to forfeiture. Generally makes explicit that forfeitures under local law must follow the same rules as forfeitures under state law.

**04/02/2019 – Signed by the Governor;** Unintended consequences from the 2015 amendments to the Forfeiture Act have caused hardship to local law enforcement. HB312 should help resolve the abandoned property confusion requiring sheriffs to collect abandoned property and deliver to the State

Treasurer by using the term "disclaimed property" to describe property subject to forfeiture proceedings. It requires conviction prior to forfeiture and extends due process protections to local forfeiture programs. HB312 requires proceeds from forfeitures to go to the general fund, and allows the State Treasurer to designate appropriate entities to dispose of forfeited property potentially saving substantial transportation and storage costs. It also provides reimbursement for local law enforcement for the costs of storage, maintenance, transportation, and disposal of properly forfeited property. While modest, these improvements to the Forfeiture Act will provide relief to local law enforcement.

---

**HB269/ SB565**      **Remove Fire Marshal from PRC**

**Martinez, R; Dow; Gonzales; Sanchez; Lara /Burt**

A government reorganization measure that removes the Fire Marshal Division from the Public Regulation Commission. Creates a quasi-policy and advisory Fire Services Council to oversee the Fire Marshal's Office and hear appeals taken from State Fire Marshal orders.

**01/17/2019 – House State Government, Elections and Indian Affairs Committee (Died);** SM114 passed the Senate by a vote of 31-0. The memorial was passed in lieu of the bills (HB269 and SB565) that would have removed the SFMO from the PRC and established it as a stand-alone adjunct agency. As legislative discussions developed, it became evident that there was opposition to the concept of having a Fire Service Council provide oversight for the SFMO. Rather than risk the bills being tabled indefinitely, a memorial was introduced to keep the dialogue moving forward. NMC and the NM Municipal League will proceed with implementing the memorial after the session.

**SM114**      **Relocation of Fire Marshal Division of PRC**

**Burt**

Requests that the NMML and NMC convene a working group to evaluate relocation options for the Fire Marshal Division of PRC and report to the appropriate interim committee by September 1, 2019. The membership of the working group is specified.

**04/01/2019 – Signed by Officers of Senate**

---

## **Economic Development & IRBs**

**HB229**      **Regional Air Center Special Economic District**

**Ezzell; Anderson; Nibert**

Empowers a municipality (Roswell), together with the county (Chaves) in which the municipality is situated, to create an industrial air center special economic district governed by an authority. Main purpose is to construct and maintain airport facilities. Declares authority to be a political subdivision which may issue bonds against its revenues. These bonds are tax-exempt. Authority may impose charges and fees for use of its property and land.

**02/05/2019 – Signed by the Governor;** HB229 was part of the "rocket docket" that passed with bipartisan, mostly unanimous votes, that were vetoed by Governor Martinez. This bill will help communities recover from military base closures, and was signed early in the session.

---

**HB526**      **Lab Small Business Tax Credit Changes**

**Akhil, Chandler, Harper, Sanchez, J.**

Doubles from \$20,000 to \$40,000 for businesses in rural areas and \$10,000 to \$20,000 for businesses located elsewhere the amount of services a national laboratory or a contractor of the laboratory can provide to a small business under the Laboratory Partnership with Small Business Tax Credit Act. Does not change the cap on the aggregate amount of credit a national laboratory can claim in a year. Effective July 1, 2019.

**03/15/2019 – Signed by the Governor**

## SB2 Film Tax Credit Changes

Rodriquez

(Related to SB451) SCORC substitute for SB2 substantially revises the tax credits for film production by splitting the existing film production tax credit into a credit applying to productions whose principal photography begins on or after July 1, 2019 and a credit for those beginning before then, bumping the maximum amount that may be authorized for a single fiscal year to \$110 million (up from \$50 million), barring certification of any film production company's budget if total aggregate claims would run \$100 million over the annual limit, and creates new 5% credits for productions filmed at least 60 miles outside Bernalillo County and in qualified production facilities.

**03/28/2019 – Signed by the Governor**

---

## SB511 Industrial Revenue Bond Changes

Neville

Replaces the existing Industrial Revenue Bond Act (Chapter 3, Article 32) and the County Industrial Revenue Bond Act (Chapter 4, Article 59) with a new, more comprehensive Industrial Revenue Bond Act applying to both municipalities and counties.

**03/26/2019 – Tabled indefinitely in the House (Died);** SB511 was another attempt to alleviate the problems counties have with the differences between city and county IRB statutes. Unfortunately, we were unable to find consensus on this bill and it died in the House.

---

## SB581 Hemp Manufacturing Act

Lente

Sets up a program regulating the manufacturing of hemp, intermediate hemp-derived products, and hemp finished products, replacing the existing industrial hemp research program authorized by 76-24-1 (which is repealed).

**04/01/2019 – Signed by the Governor**

---

## Education

### SB576 Broaden Area Vocational School Locations

Kernan

Amends the Public School Code to provide that local school boards may establish area vocational high schools at locations other than on the campus of postsecondary educational institutions. Removes plan approval authority from the Higher Education Department and restricts it solely to the Public Education Department.

**03/15/2019 – Signed by the Governor;** SB576, sponsored by Senator Gay Kernan, expands opportunities for alternative educational pathways by removing the requirement that vocational high schools be located on the campus of post-secondary institutions and the requirement that plans be co-approved by both the Higher Education Department and Public Education Department. Although the bill does not make an appropriation, it does allow a school with a PED-approved plan to propose a special levy on a college district. New Mexico's counties recognize that vocational training for high school students that increases opportunities for industry-recognized certifications and degrees is critical to workforce development throughout the state, especially in rural communities.

---

## Elections

### HB407 Election Laws 50-Year Tune Up

Trujillo, L.; Ivey-Soto; Gonzales, R.; Anderson

A 472-page bill that provides substantive and pro forma changes to numerous sections of the Election Code, reading almost like a handbook for county clerks on how to conduct and resolve issues that arise in the complicated world of running elections in New Mexico.

**04/04/2019 – Signed by the Governor**

### **SB672 Early & Auto Voter Registration**

**Lopez; Ivey-Soto; Trujillo, L**

Senate Rules Committee substitute for dummy bill SB672 amends the Election Code in four ways: (1) to allow for same day voter registration for a qualified elector at early voting locations in statewide and special elections and providing procedures; (2) to provide for automatic updating of voter registration information during in-person transactions at the Motor Vehicle Division to apply for or renew a driver's license or ID card; (3) to require every Human Services Department program beneficiary be offered the opportunity to register; and (4) to allow voluntary update of voter registration addresses based on information provided to the Taxation and Revenue Department.

**03/27/2019 – Signed by the Governor;** Provides that qualified electors seeking to register to vote or update an existing certificate of registration shall be allowed to do so, at a voting location immediately before voting during the early voting period in that election, after signing an oath that the elector has not voted in the election in this state or elsewhere and that he or she provides a qualified picture identification.

---

## **Health**

### **HB643 Transfer Oversight of Veterans' Home to DOH**

**Martinez, R., Garcia, H., Pratt, Sariñana, Armstrong, D.**

Transfers oversight of the New Mexico State Veterans' Home to the Department of Health from the Veterans' Services Department.

**04/02/2019 – Signed by the Governor**

---

### **SB126 Local Government Primary Care Clinic Funding**

**Papen**

(Related to 2019, SB128) (Endorsed by the New Mexico Finance Authority Oversight Committee) Amends the Primary Care Capital Funding Act to make county or municipality owned primary care clinics in rural or underserved areas eligible for primary care capital funding; permits the New Mexico Finance Authority to recover from the Primary Care Capital Fund the costs of administering the fund and originating loans up to an amount equal to 10% of original loan amounts.

**04/05/2019 – Signed by the Governor;** This bill received unanimous support in both the House and Senate and makes county owned primary care clinics in rural or health care underserved areas of the state eligible for funding pursuant to the Rural Primary Health Care Act.

### **SB128 Local Government Behavioral Health Clinic Funding**

**Papen**

(Related to 2019 SB126; for NMFA Oversight Committee) Amends the Behavioral Health Capitol Funding Act by redefining "eligible entry."

**04/02/2019 – Signed by the Governor**

---

### **SB131 Interagency Pharmacies Purchasing Council**

**Steinborn, Ferrary**

(Similar to 2018, HB 59 and SB 8; 2017, SB 354) Establishes the Interagency Pharmaceuticals Purchasing Council to study cost-containment strategies to consolidate the purchase of pharmaceuticals or pharmacy benefit purchasing by state and local government "constituent agency" participants, appropriates \$400,000 (GF) for use in FY 2020 to the General Services Department to staff the council and for professional services.

**03/28/2019 – Signed by the Governor**

---

### **HB356 Cannabis Regulation Act**

**Martinez, J.; Maestas, A; Ely; Armstrong; Rubio**

(Related to 2018 HB332, 2017 HB89, 2016 HB75, 2015 HB160) Cited as both the Cannabis Regulation Act and the Cannabis Tax Act, the 140-page bill sets up a comprehensive scheme to regulate, license and tax activities related to the production, distribution, sale and consumption of cannabis and cannabis products.



**03/09/2019 – Senate Finance Committee (Died);** This bill would have legalized adult use of recreational marijuana. The version that passed the House and Senate Public Affairs Committee reflected input and a number of amendments requested by NMC through our policy committees. The Governor has indicated that she will put this on her call for the 2020 short session.

**SB406 Medical Marijuana Changes**

**Ortiz y Pino**

(Related to 2019, HB356 and SB404; 2017, SB177/SJC sub and SB8) Amends and enlarges the Lynn and Erin Compassionate Use Act to expand eligibility for participation in the state's medical cannabis program; provides for licensure of participants in the program and for registry identification cards; creates an advisory board; establishes protections for lawful use of medical cannabis and removes participation in the State's medical cannabis program as grounds for child protective services intervention.

**04/04/2019 – Signed by the Governor;** This bill amends the medical marijuana law to expand eligibility for participation and provides explicit employment protections for employees who use medical marijuana.

---

## Labor & Employment

**HB501 Increase Certain PERA & ERB Contributions**

**Trujillo, J; Cadena; Stapleton**

(Related to 2019 HB338) Increases employer contributions under the Public Employees Retirement Act and the Educational Retirement Fund.

**04/04/2019 – Signed by the Governor;** The impact of this bill on counties will be a .25% increase in the employer contribution for all PERA municipal plans. It will go into effect on July 1, 2019, and will require counties to budget for the increased fiscal impact. The Senate Finance Committee amended the bill to decrease the original amount proposed from .5% down to .25%.

---

**SB437 Raise Minimum Wage & Create Separate One**

**Sanchez, C.**

(Related to 2019, HB 31 and HB 46) Increases the minimum wage after October 1, 2019 to \$9.25 per hour and after April 1, 2020 to \$10 per hour; increases the minimum wage for tipped employees after October 1, 2019 to \$2.38 per hour and after April 1, 2020 to \$3 per hour; sets a separate minimum wage of \$8.50 per hour after October 1, 2019, for students regularly enrolled in secondary school working after school or when school is not in session (unless they are tipped employees).

**04/01/2019 – Signed by the Governor**

---

## NMFA & Water Trust Board

**HB124 Fire Protection Fund Changes**

**Sweetser; Armstrong**

(Endorsed by the New Mexico Finance Authority Oversight Committee) Clarifies that money from the Fire Protection Fund may be used to purchase land for fire stations and substations; allows fund awards to entities with outstanding obligations associated with prior fund awards.

**03/14/2019 – Signed by the Governor;** HB124 allows local governments to have the ability to utilize fire protection funds to purchase land needed to construct much needed fire stations. The bill also removes the requirement that only one project may be pursued at a time, which limits a local government's ability to utilize loan proceeds in a timely manner when multiple projects were contemplated during the financing. The State Fire Marshal will still need to approve all expenditures.

---

**HB157 Emergency Communication & Medical Taxes**

**Dow**

(Related to 2018 SB205) Expands the authorized uses of revenue derived from the County Emergency Communications and Emergency Medical and Behavioral Health Services Tax and changes the name of the tax.

**04/03/2019 – Signed by the Governor;** HB157 is another NMFA "fix" that allows emergency communication and health tax receipts to be used for ambulances and emergency communication facilities (instead of just for equipment).

---

## Public Lands, Natural Resources, & Agriculture

### **HB206 Environmental Review Act**

**Chasey; Stewart**

Appropriates \$1 million (GF) to be divided equally to the State Land Office, the Department of Environment, the Energy, Minerals and Natural Resources Department and the Office of the State Engineer for use in FY 2020 for each agency to hire two full-time equivalent positions to carry out the agency's duties pursuant to the Environmental Review Act; establishes the Environmental Review Act and sets forth requirements for environmental assessments and impact statements.

**02/04/2019 – House State Government, Elections and Indian Affairs Committee (Died);** HB206 proposed to implement state-level environmental assessments and more detailed environmental impact statements, similar to those required by the federal government, for public projects. Federal environmental policies are extremely complex and cumbersome. It is common for analysis to take years to compile, only to then be litigated. Some of the significant problems in federal processes surround ambiguities in language, inability to prove that all affected stakeholders were actively engaged, and obligations placed on the final decision makers to demonstrate that the analysis was weighed appropriately. HB206 didn't get very far in the 2019 session, but we think it may come back next year.

---

### **HB266 Forest & Watershed Restoration Act**

**Bandy, Wirth**

Establishes the Forest and Watershed Restoration Act and an advisory board; appropriates and distributes \$1 million each annually from the Rio Grande Income Fund and the New Mexico Irrigation Works Construction Fund to the Forest Land Protection Revolving Fund to fund approved projects pursuant to the Act.

**03/15/2019 – Signed by the Governor**

---

### **HB276 Establish Advanced Mapping Fund**

**Sweetser; Lara; Stansbury**

Creates a nonreverting Advanced Mapping Fund to be administered by the Office of the State Engineer and funded by appropriations, donations, income from investment, and money otherwise accruing. Money in the fund is subject to appropriation by the Legislature.

**02/05/2019 – Signed by the Governor;** This has been a long-standing initiative for NMC. It creates a fund in the State Engineer's office to help match federal funds. HB276 was also part of the "rocket docket" and was signed early in the session by the Governor.

---

### **HB651 Water Data Act**

**Stansbury, Armstrong, G., Sedillo Lopez**

Cited as the Water Data Act, creates the Water Data Council to identify and integrate key water data sets; makes a \$300,000 (GF) appropriation for the Bureau of Geology and Mineral Resources and \$200,000 (GF) to the Interstate Stream Commission, both for use in FY2020 and subsequent years to carry out provisions of the Act. Contains a policy statement: to improve water resources planning and management and water security, it is the policy of the state to develop a modern, integrated approach to collecting sharing, and utilizing data and information for water management.

**04/02/2019 – Signed by the Governor**

---

### **SB489 Energy Transition Act**

**Candelaria; Small; Egolf; Roybal Caballero; Stewart**

(Related to 2019, HB498) An 83-page bill that relates to electricity production and boosts state quotas for production of renewable energy. Cited as the Energy Transition Act, it aims at easing the financial, employment and other strains anticipated to occur as a result of the near-future closing of the San Juan Generating Station in the Four Corners area.

**03/22/2019 – Signed by the Governor;** This bill allows PNM to shut down the coal electric generation plant in San Juan County. It attempts to help San Juan County with job and tax losses from closing the mine and the generation plant.

---

## Public Safety

**HB154**      **Law Enforcement Protection Fund Distribution**      **Maestas; Figueroa; Stansbury; Rehm; Armstrong**

(For the Courts, Corrections and Justice Committee) Discontinues the annual transfer of money from the Law Enforcement Protection Fund to the General Fund and increases the distribution levels from the fund to municipal police departments, county sheriff offices, university police departments, the Law Enforcement Training Academy, and tribal police departments.

**03/01/2019 – Senate Finance Committee (Died);** In many small rural counties, sheriffs' offices are severely challenged to provide essential law enforcement services with limited budgets and personnel. The law enforcement protection fund provides some financial assistance to these offices to maintain and improve their operations and to enhance the efficiency and effectiveness of law enforcement services. HB154 would have increased the amounts distributed to sheriffs' offices throughout the state, and expressly provided that money in the fund shall not be transferred to the general fund at the end of a fiscal year. Unfortunately, this bill died in Senate Finance, but needs to be a topic of conversation in the upcoming years.

---

**HB162**      **Insurance Premium Tax Provisions**      **Trujillo, J.**

(Related to 2018, HB223) (For the Revenue Stabilization and Tax Policy Committee) Transfers administration and enforcement of the Insurance Premium Tax Act from the Insurance Superintendent to the Taxation and Revenue Department; amends the distribution of insurance premium tax receipts; and requires the Superintendent of Insurance to provide certain information to TRD.

**03/13/2019 – Signed by the Governor;** In the 2018 session, amendments were made to the law concerning how insurance premium taxes were collected. Inadvertently, taxes that support the Law Enforcement Protection fund were eliminated. This bill fixed that problem.

---

**HB267**      **Criminal Justice Reforms**      **Ely, Romero, A.; Rue; Nibert; Akhil**

(Related to 2017 SM66) Increases the New Mexico Sentencing Commission from 24 to 27 members by adding a representative from the Behavioral Health Services Division of the Human Services Department, a public member appointed by the minority floor leader of the Senate, and a public member appointed by the minority floor leader of the House of Representatives. Provides that the two district court judges shall be appointed by the District and Metropolitan Judges Association. Replaces the member from the Court of Appeals with a magistrate judge appointed by the Chief Justice of the Supreme Court.

**04/03/2019 – Signed by the Governor;** This law received unanimous support in the House and Senate. It expands the NM Sentencing Commission and creates additional responsibilities for the Sentencing Commission including creation of a data-sharing network for criminal justice data. County detention facilities will be required to collect biometric identifying information on booking. It creates Criminal Justice Coordinating Councils in each judicial district, and it also provides for disclosure of medical and mental health information when needed to provide care to someone in custody.

**HB342**      **Criminal Justice Reforms**      **Maestas; Rue; Chasey; Martinez, Richard**

(Identical in part to 2019 HB43, similar in part to 2018 HB160, which was vetoed by the governor) A criminal justice reform measure that addresses offenders with behavioral health diagnoses and related jail incarceration procedures; immunity for assisting with overdose cases; procedures for pre-prosecution diversion programs; probation and parole procedures; pre-sentence reports; requirements for crime victims' reparations; accurate eyewitness identification requirements; duties of N.M. Sentencing Commission; eyewitness identification policies and training.



**04/03/2019 – Signed by the Governor;** This is an omnibus bill that contains several criminal justice reforms previously passed by the Legislature but vetoed by Governor Martinez. It includes our behavioral health funding priority language (HB43).

---

**HB290 Opioid Agonist Therapy for Inmates**

**Romero, A.**

Mandates an adult or juvenile correctional facility, detention center or local jail to provide an inmate who is methadone-dependent with methadone therapy in an amount and manner that is consistent with medical best practices for avoiding withdrawal and treating opioid dependence.

**02/22/2019 – House Local Government, Land Grants and Cultural Affairs Committee (Died);** This bill would have required all county detention facilities to provide methadone maintenance to individuals already enrolled in a methadone treatment program for opioid use disorder. When the bill failed to receive support, the sponsor amended it to propose pilot methadone maintenance programs in the San Juan, Rio Arriba, and Santa Fe County detention facilities. The sponsor was advised to pursue a memorial instead but she did not follow through with that. This is an important issue that counties will ultimately need to address with or without legislation.

---

**HB364 Corrections Restricted Housing Act**

**Maestas; Thomson; Romero, A.; Papen**

(Substantially similar to 2017 HB175, final version as vetoed by the governor) Creates the Restricted Housing Act to regulate the use of restricted housing in correctional facilities, including county jails, prisons, and other detention facilities. Applies to public correctional facilities and those operated by a private contractor on behalf of the state or a political subdivision.

**04/03/2019 – Signed by the Governor;** This law prohibits detention facilities from locking down youth, pregnant women, and people with serious mental disabilities for 22 hours or more per day. The sponsor worked with NMC to incorporate some flexibility when the individual presents a risk to themselves or others, but counties will still need to bring their operations into compliance and will also need to provide quarterly reports regarding individuals who are locked down for 22 or more hours per day without meaningful human interaction.

---

**SB124 Correctional Facility Lactation Policies**

**Padilla**

(Similar to 2017, HB277) Requires correctional facilities to develop and implement policies for lactating inmates.

**03/28/2019 – Signed by the Governor;** This law will require county detention facilities to develop and implement inmate lactation policies that address expression, storage, and transportation of breast milk and, in facilities that can accommodate contact visits, breastfeeding.

**SB192 Pregnant and Lactating Inmate Options**

**Ivey-Soto; Louis**

SPAC substitute for SB192 retains the intent and substance of the original bill with two differences: (a) changes all references to an "inmate" or "incarcerated person" to an "individual" who is pregnant or lactating and limits the scope of the bill to the release of individuals who are in the custody of a jail. The bill no longer applies to the release of inmates from prison.

**03/28/2019 – Signed by the Governor;** This law will require judges to consider whether an inmate is pregnant or lactating when deciding terms of release and creates a presumption in favor of release if the detainee is pregnant or lactating.

---

**SB8 Firearm Sale Background Check**

**Martinez, Richard; Wirth**

(Duplicate of 2019 HB8) (Related to 2019 HB40 and SB201. Similar to 2017 HB50) Requires a background check when conducting sales of a firearm; provides penalties.

**03/08/2019 – Signed by the Governor;** SB8 makes it a misdemeanor to sell a firearm without first having a federal instant background check performed by a federal firearms licensee. The bill does not apply to the sale of a firearm by or to a person who holds a valid federal firearms license, to a law enforcement agency, between two law enforcement officers, or between immediate family members.

**SB328 Orders of Protection & Firearm Ownership** **Cervantes, Armstrong; Sedillo Lopez**

(Identical to 2017 SB259, final version) Adds a provision to the Family Violence Protection Act when the court enters an order of protection in cases of domestic abuse. In certain circumstances, the court may order the restrained party to deliver any firearm in his or her possession to one of the authorized recipients listed below and to refrain from purchasing, receiving, possessing or attempting to purchase, receive or possess any firearm while the order of protection is in effect.

**04/04/2019 – Signed by the Governor;** Makes possession of a firearm by any person subject to an order of protection under the Family Violence Protection Act, or convicted of certain enumerated state or federal crimes, a misdemeanor. It provides that if the court issues an order of protection and determines that the restrained party presents a credible threat to the physical safety of the household member after the restrained party has received notice and had an opportunity to be heard, the restrained party shall relinquish any firearm in his or her possession to a law enforcement officer or federal firearms licensee.

---

**SM107 Study Emergency Medical Services Funding** **Ramos**

Requests the Emergency Medical Systems Bureau of the Department of Health to initiate a study to examine regulations, training, certification, licensing and relicensing, and funding options for emergency response services, fire departments, service levels, geographical limitations, and other factors.

**02/28/2019 – Senate Rules Committee (Died);** This memorial was introduced late in the session to address the emergency medical service crisis in rural NM. Unfortunately, we ran out of time in Senate Rules, but look forward to engaging the Department of Health directly.

---

## Tax, Finance, & Capital Outlay

**HB548 Appropriations & Expenditures** **Lundstrom**

(Duplicate of 2019 SB536) Appropriates \$14.675 million (GF) for six state agencies and institutions for use in FYs 2019 and 2020.

**04/05/2019 – Signed by the Governor;** This is one of the two "House Bill 2 Junior" bills that provided funding for individual legislators to appropriate.

---

**HB647 Limits on Valuations of Certain Property** **McQueen**

Limits the 3% cap on year-to-year increases in residential property valuation to owner-occupied residences. Applies to 2020 and subsequent property tax years.

**03/09/2019 – House Calendar (Died);** HB647 was a reaction to a series of articles about how counties and many homeowners are struggling with the 3% valuation cap, yield control, and tax lightning. It died on the House Floor, but there were a lot of conversations about how to address this challenging issue.

**HM81 Resolve Certain Property Tax Issues** **Gonzales, R., Trujillo, J.**

Requests the Secretary of the Taxation and Revenue Department to convene a rural heritage task force to evaluate New Mexico's approach to lands not qualified as agricultural, not residential, and not developed. The task force is directed to produce a written report and present findings and recommendations to the Revenue Stabilization and Tax Policy Committee by December 1, 2019.

**03/13/2019 – Passed in the House**

**SB11 Gross Receipts for Nonprofit Organizations****Cisneros; Martinez, Richard; Chandler; Romero, A.**

(Identical to 2018, SB17 – vetoed by Governor Martinez as a tax increase and singling out one nonprofit – LANL operator. Amends the Gross Receipts Tax Act to apply the tax to a prime contractor that operates a national laboratory in New Mexico, whether or not the prime contractor qualifies as a Section 501(c)(3) nonprofit organization. The bill does so by amending Sec. 7-9-29 relating to exemptions to specifically exclude a nonprofit prime contractor of a national lab from the exemption.

**02/28/2019 – Signed by the Governor;** SB 11 eliminates a loophole that could have eliminated gross receipts taxes imposed on the national labs, which would have had a materially negative impact on Los Alamos County and the State.

---

**SB88 Procurement Funds to GSD****Tallman**

A structural and functional government reorganization bill that transfers authority over certain procurement functions from the Department of Finance and Administration to the General Services Department related to professional services contracts, small purchases under \$60,000, sole-source contracts, and emergency procurements. DFA's Financial Control Division is assigned the duty to collect and maintain contract information regarding in-state and out-of-state contract awards. Where protests are made to sole-source contracts, the award shall be reconsidered.

**04/02/2019 – Signed by the Governor**

---

**SB144 Capital Outlay Project Funding Publication****Rue; Tallman; Garratt; Candelaria**

Requires the Legislative Council Service, within 30 days after the adjournment of a legislative session, to publish on the Legislature's website a searchable listing of all the projects in a capital outlay bill passed by the Legislature.

**01/17/2019 – Senate Rules Committee (Died);** This bill died in the Senate Rules Committee which would have required individual legislator's names attributed to each capital outlay project. It will be back.

**SB280 Capital Outlay Expenditures****Cisneros; Trujillo, J.**

Provides funding in the amount of \$933,026,215 for capital outlay projects throughout the state.

**04/05/2019 – Signed by the Governor;** This is the "capital outlay" bill for 2019. There was over \$900 million appropriated for capital projects in SB280. The Governor vetoed only \$7.9 million, including 55 projects, from the bill. Usually the "capital outlay" bill is funded using severance tax bonds, but this year the money all came from general fund reserves.

---

**SB302 Per Diem Rate to Federally Rate****Rodriguez**

Sets the per diem rate for public officers and employees as established by the federal government for the City of Santa Fe. Expands the agencies authorized to promulgate and carry out rules pursuant to the Per Diem and Mileage Act.

**01/22/2019 – Senate Public Affairs Committee (Died);** SB302 was a complete re-write of the state's per diem statutes. The fiscal impact report from DFA estimated a \$6 million hit to the general fund. Unfortunately, DFA cannot tell how much in state employee travel expenses are paid by per diem rather than actual expenses. Senator Rodriguez sponsored SM100 to ask DFA to work with local governments to get a better idea of the problem and potential solutions.

**SM100 Study Increasing State Per Diem Rate****Rodriguez**

Requests the Department of Finance and Administration to convene a task force to study the feasibility of increasing the per diem rate for public officers and employees.

**04/01/2019 – Signed by Officers of Senate**

### **SB473 Additional Investment Vehicles**

**Rodriguez**

Allows the State Treasurer and county and municipal treasurers more options for investing funds under their control.

**04/02/2019 – Signed by the Governor;** This bill authorizes Class A County Treasurers to invest in Supranational issued investments, and several other investment vehicles, as reflected in the county investment policy (as may be amended by the County Treasurer and approved by the County Board of Finance). A Supranational issuer is one formed by two or more central governments. The bill was amended in the House State Government, Elections, and Indian Affairs Committee to clarify the process of making changes to the county investment policy regarding the respective roles of the Treasurer and the Board of Finance.

---

### **SB536 Appropriations & Expenditures**

**Smith**

Appropriates \$14.675 million (GF) for six state agencies and institutions for use in FYs 2019 and 2020.

**04/05/2019 – Signed by the Governor;** This is another of the so-called "House Bill 2 junior" bills allowing individual senators money to appropriate for local projects.

---

## **Transportation & Roads**

### **HB694 Local Government Transportation Project Fund**

**Ruiloba**

House Transportation, Public Works and Capital Improvements Committee substitute for a dummy bill, HB694, creates the Local Government Transportation Project Fund administered by the Department of Transportation, to make grants for 95% to 100% of total costs to local governments for projects on a prioritized list approved by the State Transportation Commission.

**04/03/2019 – Signed by the Governor**

---

## **Workers' Compensation**

### **HB324 PTSD as Firefighter Employment Condition**

**Armstrong, D., Stansbury**

(Almost identical to 2017, HB 157 as passed, vetoed on grounds of making unnecessary changes to workers' compensation laws) Amends the Occupational Disease Disablement Law, as it relates to firefighters, to include posttraumatic stress disorder among the diseases presumed to be proximately caused by employment as a firefighter.

**04/02/2019 – Signed by the Governor**