

# Report for: New Mexico Restaurant Association

Currently following 53 pieces of legislation.

## HB 30 SOFT SKILLS EDUCATION PROGRAMS

Rehm, William

**Position:**   **Priority:**   **Category:**

HEC/HAFC  
HPREF [1] not prntd-HRC [2] w/drm -germane-prntd- - ref HEC/HAFC-HEC [3] DP-HAFC  
Scheduled: 1/31/2018  
[Link to bill on nmlegis.gov](#)

### Synopsis

House Bill 30 (HB 30) relates to the Economic and Rural Development Committee and the Public Education Department. HB 30 makes a nonrecurring FY2019 General Fund appropriation to the Public Education Department. HB 30 purpose is for the development and implementation of Soft Skills Education Programs for high school students.

### Analysis

House Bill 30 (HB 30) makes a FY2019 General Fund appropriation of two hundred fifty-thousand dollars (\$250,000) to the Public Education Department. HB 30 purpose is for the development and implementation of Soft Skills Education Programs for high school students; an unexpended or unencumbered balance remaining at the end of FY2019 reverts to the General Fund.

Soft Skills may include, but are not limited to: social and emotional intelligence, personality traits, communication style, manners, ethics, general attitude, professionalism, and personal grooming habits.

### Talking Points

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## HB 34 DWI BLOOD QUANTUMS & IGNITION INTERLOCKS

Rehm, William

**Position:**   **Priority:**   **Category:**

HCPAC/HJC/HAFC  
HPREF [1] not prntd-HRC [2] w/drm -germane-prntd- - ref HCPAC/HJC/HAFC-HCPAC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

### Synopsis

House Bill 34 (HB 34) prohibits driving with certain amounts of controlled substances or metabolites in the blood and provides that the ignition interlock requirement only applies to offenders with alcohol concentration in their blood or breath.

### Analysis

House Bill 34 (HB 34) changes certain sections relating to driving under the influence of alcohol or drugs by specifying the type

and amount of controlled substance or metabolite that will result in such a violation. HB 34 adds the following standards to Section 66-8-102 NMSA 1978 for driving with certain amounts of controlled substances or metabolites in the blood or breath as follows: for amphetamine, one hundred nanograms per milliliter of blood; for cocaine, fifty nanograms per milliliter of blood; for cocaine metabolite, cocaethylene, fifty nanograms per milliliter of blood; for heroin, fifty nanograms per milliliter of blood; for heroin metabolite, morphine, fifty nanograms per milliliter of blood; for heroin metabolite, 6- monoacetylmorphine, ten nanograms per milliliter of blood; for the active compound in marijuana, delta-9-tetrahydrocannabinol, five nanograms per milliliter of blood; for methamphetamine, one hundred nanograms per milliliter of blood; or for 3,4-methylenedioxymethamphetamine, one hundred nanograms per milliliter (NOTE milliliter misspelled here in HB 34) of blood. Currently the standard for determining if it is unlawful for a person to drive who is under the influence of any drug is whether the use of that drug is to such a degree that it renders the person incapable of safely driving a vehicle.

HB 34 clarifies that only offenders who are convicted of driving under the influence of alcohol in violation of subsection C of Section 66-8-102 NMSA 1978 will be required to obtain an ignition interlock

HB 34 revises Section 66-8-110 NMSA 1978 to include the same prohibition regarding driving with certain amounts of controlled substances or metabolites in the blood or breath. It no longer specifies the concentration but refers back to the concentrations that are violations under Section 66-8-102 NMSA 1978.

It adds the same language to Sections 66-8-111, 66-8-111.1 and 66-8-112 NMSA 1978 and refers back to the concentrations prohibited under Section 66-8-102 NMSA 1978 except if the person is less than twenty-one years old. In the latter case, these sections specify that an alcohol concentration of two one hundredths (.02) or more will result in the revocation of that person's license or permit.

HB 34 has an effective date of July 1, 2018.

## Talking Points

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### **HB 35** **LIQUOR EXCISE TAX DISTRIBUTIONS**

Trujillo, Carl

**Position:**   **Priority:**   **Category:**

HHHC/HTRC  
HPREF [1] not prntd-HRC [2] w/drn -germane-prntd- - ref HHHC/HTRC-HHHC- DP-HTRC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Bill 35 (HB 35) increases the distribution of the Liquor Excise Tax to the Local DWI Grant Fund, creates the Drug Court Fund, and makes an appropriation.

#### Analysis

House Bill 35 (HB 35) redistributes the Liquor Excise Tax revenue. A temporary 46% distribution to the Local DWI Grant Fund becomes a permanent at 45% instead of decreasing to 41.5% next year. HB 35 creates the Drug Court Fund to be administered by the Administrative Office of the Courts (AOC) and appropriates 5% for drug courts beginning July 1, 2018. Balance of the new fund will not revert to the General Fund at fiscal year-end.

## Talking Points

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### **HB 54** **INCREASE DWI PENALTIES**

Lewis, Tim D.

**Position: Priority: Category:**

HCPAC/HJC/HAFC  
HPREF [1] not prntd-HRC [2] w/drm -germane-prntd- - ref HCPAC/HJC/HAFC-HCPAC  
Scheduled: 1/30/2018  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Bill 54 (HB 54) increases the penalties for repeat convictions for driving under the influence of intoxicating liquor or drugs and for driving under the influence of intoxicating liquor or drugs while a license is suspended or revoked for driving under the influence of intoxicating liquor or drugs. HB 54 provides that a felony conviction for driving under the influence of intoxicating liquor or drugs shall be treated in the same manner as any other felony when sentencing a habitual offender. It increases the penalty for homicide by vehicle while violating Section 66-8-112 NMSA 1978 and for homicide or great bodily harm by vehicle while under the influence of intoxicating liquor or drugs or while violating section 66-8-113 NMSA 1978.

#### Analysis

House Bill 54 (HB 54) increases the penalties for repeat convictions for driving under the influence of intoxicating liquor or drugs in Section 31-12-7 NMSA 1978 by raising the programs fee from a flat seventy-five dollars to one hundred dollars (\$100) for a first offense; two hundred dollars (\$200) for a second offense; and three hundred dollars (\$300) for a third or subsequent offense. It makes driving under the influence of intoxicating liquor or drugs (DWI) while a license is suspended or revoked for DWI a fourth degree felony (Section 66-5-39 NMSA 1978). HB 54 provides that a felony conviction for driving under the influence of intoxicating liquor or drugs shall be treated in the same manner as any other felony when sentencing a habitual offender in Section 31-18-17 NMSA 1978. It increases the penalty for homicide by vehicle while violating Section 66-8-112 NMSA 1978 and for homicide or great bodily harm by vehicle while DWI or while violating section 66-8-113 NMSA 1978 from a third degree felony to a second degree felony (Section 66-8-101 NMSA 1978). HB 54 increases the penalties for a first conviction for aggravated driving while DWI from twenty-four to eighty hours of community service; for a second conviction from forty-eight to one hundred sixty hours; a third conviction, from ninety-six to two hundred forty hours. It increases the term of imprisonment for each number of offenses as follows: fourth, from eighteen to thirty months (eighteen months mandatory); fifth, from two years to three (two years mandatory); sixth, from thirty-six to forty-two months (thirty months mandatory).

HB 54 relates to SB 26.

#### Talking Points

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## **HB 60 INCREASE MINIMUM WAGE**

Roybal Caballero, Patricia

**Position: Priority: Category:**

HRC  
HPREF [1] not prntd-HRC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Bill 60 (HB 60) increases the minimum wage and provides for an annual cost-of-living increase in the state minimum wage rate. It eliminates the separate minimum wage for employees who regularly receive tips.

#### Analysis

House Bill 60 (HB 60) increases the minimum wage in Section 50-4-22 NMSA 1978 from seven dollars and fifty cents (\$7.50) an hour to fifteen dollars (\$15.00) an hour beginning on 1 January 2019. It provides for an annual cost-of-living increase in the state minimum wage rate determined by the state Workforce Solutions Department based on the August data from the federal consumer price index. The wage will not decrease nor will it increase more than four percent in any year. Increases are rounded up to the next five cents. HB 60 strikes the subsection on wages for an employee who receives more than a certain amount in tips per month, thus eliminating a separate minimum wage for those employees.

## Talking Points

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### **HB 71** **DWI SUSPECT BLOOD TESTING**

Maestas Barnes, Sarah

**Position:**   **Priority:**   **Category:**

HCPAC/HJC  
HPREF [1] not prntd-HRC [2] w/drm -germane-prntd- - ref HCPAC/HJC-HCPAC [4] DP/a-HJC  
Scheduled: 1/30/2018  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Bill 71 (HB 71) amends the requirements for testing the blood of a person suspected of operating a motor vehicle while under the influence of intoxicating liquor or drugs. It changes procedures for the issuance of temporary licenses

#### Analysis

House Bill 71 (HB 71) clarifies the requirements for testing the blood of a person suspected of operating a motor vehicle while under the influence of intoxicating liquor or drugs (DWI) by adding the word breath to test for an aggravated DWI when a person refuses to submit to chemical testing as per Section 66-8-102 NMSA 1978. It no longer requires the court to find that the DWI resulted in great bodily harm or that the person committed another felony while DWI to issue a search warrant authorizing chemical tests based upon the officer's written affidavit that there is probable cause as to that person's DWI. It makes technical changes throughout. HB 71 expands the need for a written notice of revocation and a right to be heard for those requests for chemical tests to include those under Section 66-8-111 NMSA 1978. HB 71 would be effective 1 July 2018.

HB 71 relates to HB 54 and SB 26.

## Talking Points

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### **HB 79** **THANKSGIVING SATURDAY GROSS RECEIPTS**

Gallegos, Doreen Y.

**Position:**   **Priority:**   **Category:**

HLEDG/HTRC/SPREF  
SPREF [1] not prntd-HRC [2] w/drm -germane-prntd- - ref HLEDG/HTRC-HLEDG- DP-HTRC  
Scheduled: 2/02/2018  
[Link to bill on nmlegis.gov](#)

## Synopsis

House Bill 79 (HB 79) provides a deduction from gross receipts for retail sales made on the first Saturday after Thanksgiving for certain businesses.

## Analysis

House Bill 79 (HB 79) adds a new section to the Gross Receipts and Compensating Tax Act by creating a deduction of the gross receipts from the personal property sales on the first Saturday after Thanksgiving, also known as Small Business Saturday. The only factor used to qualify sellers is that they cannot have more than 25 employees in the prior year. Gross receipts for the prior year is not considered. Receipts must be reported separately. The Taxation and Revenue Department (TRD) is responsible for annual reporting.

The bill's purpose is to increase sales for small local businesses.

HB 79 does not make an appropriation. The effective date is July 1, 2018.

## Talking Points

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### **HB 82** **REDUCE QUARTERLY WORKERS' COMP FEE**

Crowder, Randall

**Position:**   **Priority:**   **Category:**

HRC  
HPREF [1] not prntd-HRC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

## Synopsis

House Bill 82 (HB 82) reduces the employees' quarterly workers' compensation administration fee and restricts the use of the money in the associated fund.

## Analysis

House Bill 82 (HB 82) reduces the employees' quarterly workers' compensation administration fee from \$2.00 to \$1.50. HB 82 adds clarifying language that allows only necessary expenses of the workers' compensation administration from the fees that are paid into the Workers' Compensation Administration Fund except for the \$0.30 that will continue to be distributed per statute to the Uninsured Employers' Fund.

HB 82 is related to HJM 5. Whereas HB 82 lowers the employees' fee, HJM 5 requests periodic studies of other states' workers' comp trends in order to improve the system in New Mexico.

## Talking Points

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### **HB 98** **LOCAL ELECTION ACT**

**Position:** Oppose **Priority:** **Category:**

HLELC/HJC  
HPREF [1] not prntd-HRC [3] w/drm -germane-prntd- - ref HLELC/HJC-HLELC  
Scheduled:2/06/2018  
[Link to bill on nmlegis.gov](#)

### Synopsis

House Bill 98 (HB 98) enacts the Local Election Act that provides for a single election day and uniform processes for certain local government elections. It also requires that certain ballot measure elections that are held at times other than with regular local elections or special statewide ballot questions only be conducted by mailed ballot. HB 98 prohibits advisory questions on the ballot. It provides for recall elections for commission-manager municipalities and updates circumstances causing a vacancy in local office. HB 98 names Chapter 1, Article 24 NMSA 1978 the Special Election Act. It repeals the School Election Law, the Mail Ballot Election Act, the Municipal Election Code and other provisions of law in conflict with the Local Election Act and makes conforming amendments to other sections of law. HB 98 makes an appropriation.

### Analysis

#### Original Analysis

House Bill 98 (HB 98) enacts the Local Election Act that provides for a single election day and uniform processes for certain local government elections. It amends Section 1-1-19 NMSA 1978 (Campaign Practices) to include all special elections and local elections under the Local Election Act (LEA) and recall elections for county officers, school board members or applicable municipal officers under the coverage of the Election Code. It provides that certain provisions of the Election Code will apply to special district elections not covered by the LEA.

HB 98 repeals the current Section 1-22-1 NMSA 1978 (formerly School Election Law) and other sections within this Chapter and Article and replaces them with new sections that are part of the Local Election Act (LEA). It provides definitions for local election, local governing body, local government, and proper filing candidate. It establishes the date of regular local elections (first Tuesday after the first Monday in November); and a candidate's basic qualifications. These qualification apply to those seeking election to a governing body and where applicable to a municipal executive or judicial office. Such elections may contain ballot questions. It establishes requirements for proclamation and publication requirements that conform to the federal Voting Rights Act of 1965. It establishes the filing date, limitations, and penalties for fraudulent statements when a person files as a candidate in a local election, and provides a form for the declaration. It has provisions for write-in candidates, withdrawal of a candidate, and for ballot preparation and forms. It provides for the order of the list of elected offices on the ballot. HB 98 stipulates that ballot questions may not take up more than one double-sided page yet provides for procedures when the questions exceed the space. The county clerk will administer and conduct local elections. It provides procedures for a candidate to name challengers for each polling place in a local election.

HB 98 establishes the duties of and timeframes for the canvassing board to issue a certificate of election and includes procedures for tie votes and runoff elections. It creates a separate section for municipal runoff elections calling for ranked-choice voting runoff elections. In the case of a top-two runoff election, HB 98 specifies when the runoff election will be held (the sixth Tuesday following the local election). HB 98 requires the preservation of the returns and certificates of the result of the canvass as public documents subject to inspection and retention as provided by Section 1-12-69 NMSA 1978. It controls the date the term of office for a local election begins and the application of certain federal laws to absentee voting. HB 98 establishes an opt-in and opt-out processes that allows municipalities to opt-out of the date of the local election or to opt-in to the local election date given certain charter provisions or ordinances. A municipality that has voter identification requirements must repeal those definitions or change the charter to opt-in. The alternative date for a local election under the opt-out process is the first Tuesday after the first Monday in June of each odd-numbered year.

HB 98 establishes the non-reverting Local Election Fund which is for the purposes of paying for general local elections. It provides for a local government to pay an annual assessment equal to two hundred fifty dollars (\$250) per million dollars (\$1,000,000) of the total operating expenses. Total operating expenses exclude certain federal funds and capital expenditures. It allows the secretary of state to apply to the state board of finance for an emergency grant in the event that a current year fund balance does not cover the costs of local elections.

It changes the duties of the attorney general (AG) in Section 1-2-1.1 NMSA 1978 by eliminating the reference to the Municipal Election Code.

HB 98 changes the date by which the county commission must approve, change or add to polling places and consolidate precincts from no later than the first Monday in November to June or July of each odd numbered year and makes other technical changes concerning consolidation of precincts and declaration of mail ballot election precincts in Section 1-3-2 NMSA 1978

(Precinct and Polling Places).

It clarifies that consolidation of precincts may be used for primary and general elections or for local elections or special elections to fill vacancies in the office of a US representative in Section 1-3-4 NMSA 1978 (Consolidation of Precincts) and places limits on the number of precincts in a consolidated precinct for a special election for a US representative and for a local election. It deletes references to municipal, special county and school board elections to bring this section in conformance to the proposed bill's provisions.

HB 98 allows for consolidation of a precinct that lies partly within and partly without a district for a local election in Section 1-3-7 NMSA 1978. It makes technical changes to Sections 1-6-1 (Absentee Voter) and 1-6B-1 (Uniform Military and Overseas Voters) NMSA 1978. HB 98 conforms the definition for appropriate clerk in Section 1-6B-2 NMSA 1978 to the proposed LEA.

It also makes changes to Section 1-6B-3, 1-6B-4, 1-6B-6, 1-6B-7 (Uniform Military and Overseas Voting); 3-11-5 (Mayor Council Municipality); 3-13-1 (Clerk Duties); and 60-5A-1 (Local Option); NMSA 1978 by eliminating the reference to the Municipal Election Code or other relevant municipal references.

HB 98 adds special local election under restrictions on special local government elections and renames the elections in Section 1-12-71 NMSA 1978 (Conduct of Elections) to conform to the proposed changes in this bill. It defines statewide election for that section.

It broadens the wording in Section 1-14-14 NMSA 1978 (Contests and Recounts) on recounts to include any candidate and to add election certification by the secretary of state to determine the county in which to file the application for a recount.

HB 98 makes changes in Section 1-16-8 NMSA 1978 (State Constitutional Amendments and Other Questions) to conform to the changes in this bill and adds language that prohibits nonbinding or advisory questions from being placed on the ballot. It requires local government ballot questions to be submitted to the voter by title only. It changes the time for submitting the form for the ballot and a copy of the resolution to the county clerk seventy days prior to the election. Currently the deadline is thirty days.

HB 98 amends the definitions in 1-22A-2 NMSA 1978 under the LEA to change the end of the election cycle to thirty days following the subsequent election day rather than ending on the subsequent election day itself. It changes the time for reporting contributions from a set date to twenty-one days before the election and thirty following the election in 1-22A-3 NMSA 1978. Weekends no longer provide an automatic extension of time on filing.

HB 98 names Chapter 1, Article 24 NMSA 1978 the Special Election Act (SEA). It specifies that the provisions of the SEA govern all special elections conducted by the state or a local government, except for ballot questions printed on a general election ballot or a ballot on which local governing body members are elected pursuant to the LEA. It broadly defines local government for the purpose of the SEA (county and any local government whether subject to the LEA or not). HB 98 contains simplified requirements for the proclamation under the SEA and the duty of the county clerk to issue these proclamations in Section 1-24-2 NMSA 1978 (Special Election Procedures).

It alters Section 1-24-3 NMSA 1978 to require mailed ballots for any statewide special election with certain exceptions and provides absentee ballot procedure for these votes. Mailed ballot elections are restricted to special elections including recall elections. It establishes reimbursement responsibility for the cost of special election and creates a new section to prohibit nongovernmental entities from paying for these elections and provides for nullification of the vote should this type of nongovernmental payment occur

HB 98 modifies Section 3-1-5 NMSA 1978 (General Provisions) to replace references to the Municipal Election Code to the Election Code.

It changes Sections 3-2-5, 3-3-2, 3-14-2, 3-14-19 NMSA 1978 so that special elections governed by these sections will be held in June or July of odd-numbered years and in July or August in even-numbered years and follow the provisions of the LEA.

HB 98 changes the following sections so that approval of a municipal incorporation, disincorporation or consolidation; municipal adoption of a charter; municipal acquisition, sale or lease of a utility; certain taxes; certain bonds; expenditures from a local government permanent fund; certain elections; changes in certain school districts; redistricting, and recall under the applicable act will following the LEA: Sections 3-2-8 Incorporation of Municipality; 3-3-2, 3-3-4 (Incorporation under Special Act ); 3-4-1 and 3-4-3 Disincorporation of Municipality; 3-5-1 Consolidation of Municipality ; 3-10-1 Municipal Officer; 3-12-1 Governing Body of Municipality; 3-14-8, 3-14-8, 3-14-9 and 3-14-19 Commission Manager Government; 3-15-10 and 3-15-11 Municipal Charters; 3-21-19 and 3-21-20 Zoning Commission; 3-23-2 and 3-23-5.1 Public Utilities; 3-30-6 and 3-30-7 Municipal Debt; 3-31-4 Revenue Bonds; 3-41-2 Flood Control; 3-54-1 Sale of Lease of Property; 4-48A-16, 4-48A-17 Special Hospital District; 4-49-8 Bonds for Courthouses; 5-10-4 Local Economic Development; 6-6-19 Local Government Finances; 6-15-26 Finances of Counties; 7-19D-9, 7-19D-11, 7-19D-15 and 7-19D-17 Supplemental Gross Receipts Tax; 7-24A-11 County and Municipal Gasoline Tax; 21-13-8, Community College Act; 21-16-5.1, 21-16-14 and 21-16-20, Technical and Vocational Institute Districts; 21-16A-6, Learning Centers; 22-5-8, School Board Elections; 22-7-13, Local School Board Recall; 22-18-2, 22-18-4 and 22-18-8 General Obligations Bonds; 22-25-5; Public School Capital Improvements; 22-26-5, Public Schools Building; 22-26A-10 and 22-26A-11 Public School Lease Purchase; 60-7A-1 Offenses; 62-6-5 Powers and Duties of [Utility] Commission; 72-16-10, 72-16-11 and 72-16-28 Albuquerque Metropolitan Arroyo Flood Control; 72-17-11 and; 72-17-28 Las Cruces Metropolitan Arroyo Flood Control; 72-18-14, 72-18-15, 72-18-35 and 72-18-35.1 Flood Control Districts; 72-19-10, 72-19-11 and 72-19-28 Southern Sandoval County Flood Control; 72-20-10, 72-20-11 and

72-20-28 Eastern Sandoval County Arroyo Flood Control; 73-14-24, 73-14-25, 73-14-28.1, 73-14-61, 73-14-62, 73-14-73, 73-14-74, 73-14-78 Conservancy Districts; 73-18-27, 73-18-34, 73-18-35, 73-18-41 (Conservancy District Reclamation Projects; 73-20-9, 73-20-11, 73-20-12, 73-20-14, 73-20-21, 73-20-23, 73-20-37, 73-20-38 and 73-20-46 Soil and Water and Watershed Conservation Districts; 73-21-14 and 73-21-28 Water Sanitation Districts NMSA 1978.

Sections 21-16-5.1 (Technical and Vocational Institute Districts) and 72-20-10 (Eastern Sandoval County Arroyo Flood Control Act) NMSA 1978 require the respective board to notify the county clerk of the new boundaries upon completion of the redistricting process. In Section 21-16-14 NMSA 1978, it clarifies the roles of the Public Education Department and the Higher Education Department when a technical and vocational district may be expanded.

It expands the process and procedure for recall elections for commission-manager municipalities that include grounds for the recall, a judicial process establishing probable cause before a recall petition may be circulated, and a verification of the signatures on the petition before a recall election is held. It only allows recalls for actions or inactions occurring during the current term of that official. (Section 3-14-6 NMSA 1978)

HB 98 clarifies the circumstances causing a vacancy in a local office in Section 10-3-1 NMSA 1978 and makes conforming changes in Section 10-4-1 NMSA 1978.

HB 98 makes technical changes to Section 72-16-1 NMSA 1978 (Arroyo Flood Control Act) and then changes the definitions in Section 72-16-4 NMSA 1978 to clarify the authority under the Arroyo Flood Control Act. It deletes the definition of taxpaying elector. It conforms the terms of office and the date for board meetings in Sections 72-16-8 and 72-16-13 NMSA 1978 respectively to the proposed LEA. It makes technical and conforming changes to Section 72-16-22 NMSA 1978.

HB 98 makes technical changes to Section 72-17-1 NMSA 1978 (Las Cruces Flood Control Act) and technical and clarifying changes to the definitions in Section 72-17-4 NMSA 1978. It deletes the definition of taxpaying elector. It conforms the terms of office, the election of directors and the date for board meetings in Sections 72-17-8, 72-17-10, 72-17-13 NMSA 1978 respectively to the proposed LEA. It makes technical and conforming changes to Sections 72-17-22, 72-17-44, and 72-17-89 NMSA 1978.

It makes a technical change to Section 72-18-1 (Flood Control District Act) and conforming changes concerning elections of officers in Section 72-18-13 NMSA 1978.

HB 98 makes technical changes to Section 72-19-1 NMSA 1978 (Southern Sandoval County Arroyo Flood Control Act) and technical and clarifying changes to the definitions in Section 72-19-4 NMSA 1978. It conforms the terms of office and the dates of meetings in Sections 72-19-8 and 72-19-13 NMSA 1978 respectively to the proposed LEA.

It makes technical changes to the definitions in Section 72-20-4 (Soil and Water and Watershed Conservation Districts) and conforms the term of office for board members and the date of board meetings in Sections 72-20-8 and 72-20-13 NMSA 1978 respectively.

HB 98 conforms the definitions in Section 73-14-20 NMSA 1978 (Conservancy Districts) to the proposed LEA. It clarifies the procedure for the creation of a qualified electors list in Section 73-14-20.1 and 73-14-62 NMSA 1978. It makes technical changes to Sections 73-14-55 and 73-14-58 NMSA 1978. It modifies the definition of qualified elector and adds a definition for conservancy district in Section 73-14-57 NMSA 1978. It makes technical changes and requires the conservancy district to comply and deliver the qualified elector list to the appropriate county clerk in accordance with the time lines in Section 73-14-57, 73-14-71, 73-18-28, 73-20-10 NMSA 1978.

There was a technical change in Section 73-18-33 NMSA 1978 (Conservancy District Reclamation Projects).

HB 98 provides for earlier expiration of the term of a local government officer elected before the passage of this act. It sets the termination date based on the set date of that term's current expiration. It sets different dates for those whose terms expire on or before 30 June 2020, on or after 1 July 2020 but on or before 30 June 2022, on or after 1 July 2022. It offers a date for municipalities where there is no regular local election. It stipulates separate expiration of term dates for board members of a conservancy or watershed district depending on the set current date for that term to expire (on or before 30 June 2024, on or after 1 July 2024 but on or before 30 June 2026, and on or after 1 July 2026). The dates generally allow the new member to be elected in the prior local election cycle.

HB 98 stipulates that references in law to the Municipal Election Code and to the School Election Law shall be deemed to be references to the LEA.

It repeals Sections 1-6-19, 1-22-5, 1-22-6, 1-22-12, 1-22-14, 1-23-1 through 1-23-7, 21-13-18.1, 21-13-18.2, 21-16-21, 21-16-22, 72-16-29 through 72-16-34, 72-17-29 through 72-17-34, 72-18-36 through 72-18-41, 72-19-29 through 72-19-34, 72-20-29 through 72-20-34, 73-21-29 and 73-21-30 NMSA 1978 and Sections 3-8-1 through 3-8-14, 3-8-16, 3-8-17, 3-8-18 through 3-8-40, 3-8-41, 3-8-43 through 3-8-80, 3-9-1, 3-9-3 through 3-9-13.1, 3-9-15, 3-9-16 and 3-14-7 NMSA 1978.

It establishes a delayed repeal of 1 July 2022 for Sections 73-14-27, 73-14-28, 73-14-29, 73-14-31 through 73-14-31.3, 73-14-63 through 73-14-65, 73-14-80 through 73-14-86 and 73-18-37 through 73-18-40 NMSA 1978.

The provisions of Sections 1 through 138, 167 through 172, 174 and 175 of HB 98 would be effective 1 July 2018; and the provisions of Sections 139 through 166, 173 and 176 would be effective 1 July 2022.



HB 98 relates to HBs 49 and 152 and SB 34.

## Talking Points

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### **HB 143** **INCOME & SALES TAX DEDUCTIONS**

Little, Rick

**Position: Priority: Category:**

HCPAC/HTRC  
[2] HCPAC/HTRC-HCPAC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Bill 143 (HB 143) allows deductions of state and local income and sales taxes on state personal income taxes.

#### Analysis

The Income Tax Act is being modified by House Bill 143 (HB 143) by allowing deductions of state and local income and sales tax from net income on state personal income taxes for taxpayers who itemize deductions.

HB 143 does not generate new revenue.

## Talking Points

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### **HB 153** **TRANSFER EMPLOYEE LEASING REGISTRATION**

Fajardo, Kelly K.

**Position: Priority: Category:**

HSIVC/HAFC  
[2] not prntd-HRC [3] w/dm -germane-prntd- - ref HSIVC/HAFC-HSIVC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Bill 153 (HB 153) transfers the duties of the Employee Leasing Act from the Regulation and Licensing Department to the Workforce Solutions Department.

#### Analysis

#### Original Analysis

House Bill 153 (HB 153) amends Section 60-13A-1 of the Employee Leasing Act (Act) by transferring the duties of this Act from

the Regulation and Licensing Department (RLD) to the Workforce Solutions Department. The bill adds a temporary provision which would transfer, on July 1, 2018, all functions, appropriations, money, files, records, contractual obligations, and references in the law from the RLD to the Workforce Solutions Department.

HB 153 is effective July 1, 2018.

## Talking Points

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### **HB 161** **AGRICULTURE & VEGETABLE SEED LAW PREEMPTION**

Rehm, William

**Position: Priority: Category:**

HSIVC/HAWC  
[2] not prntd-HRC- w/drn -germane-prntd- - ref HSIVC/HAWC-HSIVC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Bill 161 (HB 161) relates to agriculture and establishes state preemption of the regulation of vegetable seeds by amending the New Mexico Seed Law, being Sections 76-10-11 through 76-10-22 NMSA 1978 with new material instructing no parties regulate vegetable or agricultural seeds, including the full cycle of growing and producing and marketing agricultural products.

#### Analysis

#### Original Analysis

House Bill 161 (HB 161) introduces a new section to the New Mexico Seed Law, (being Sections 76-10-11 through 76-10-22 NMSA 1978), about the state preemption of any regulation, any ordinance, rule, regulation or statute regulating agricultural or vegetable seeds, including the cultivation, harvest, production, processing, certification, labeling, inspection, analyzing, testing, sampling, classification, designation, advertising, sale, storage, transportation, distribution, possession, notification of use, planting or other use of agricultural or vegetable seeds by a city, county or other political subdivision of the state or a home rule municipality or county.

## Talking Points

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### **HB 164** **BEEF COUNCIL ASSESSMENT OPT OUT**

Gomez, Bealquin

**Position: Priority: Category:**

HRC  
[2] not prntd-HRC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Bill 164 (HB 164) changes sections of the New Mexico Beef Council Act to provide for an option for producers to opt out of

the council assessment.

Analysis

Original Analysis

House Bill 164 (HB 164) adds a procedure in Section 77-2A-7.1 NMSA 1978 for producers to opt-out of the council assessment for each duly registered NM livestock brand through a written application that the NM Beef Council will make available online. The council must notify the producer within thirty days of receipt of the council assessment opt-out form. The council will also notify the producer when the three-year opt-out form has expired. A producer may revoke the opt-out option at any time by request made through the council. It makes technical changes to this section and to Section 77-2A-7.3 NMSA 1978.

Talking Points

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## **HB 169**

### **EMPLOYEE PREFERENCE ACT**

Scott, Larry

**Position: Priority: Category:**

HLEDC/HCPAC/HJC  
[2] not prntd-HRC- w/drn -germane-prntd- - ref HLEDC/HCPAC/HJC-HLEDC  
Scheduled:2/07/2018  
[Link to bill on nmlegis.gov](#)

Synopsis

House Bill 169 (HB 169) prohibits private and certain state public employers to require their employees to become or remain a member of a labor union or pay union dues.

Analysis

Original Analysis

House Bill 169 (HB 169) enacts the "Employee Preference Act" (Act) which prohibits private and certain public employers to require their employees to be a part of a union, or pay dues to a labor organization, charity, or other third party, instead of payment to a labor organization. The bill defines employer as: a person or the state, a political subdivision of the state, including a municipality that has adopted a home rule charter, school districts, and post-secondary public educational institutions. The Act does not apply to federal employers and employees, employers covered by the federal Railway Labor Act, employers and employees on exclusive federal enclaves, or where the Act would conflict or be preempted by federal law.

The bill requires the attorney general and district attorneys to investigate and prosecute violations of the Act. Violations of the Act are a misdemeanor, punishable by up to \$1,000 fine and/or 90 days in jail. The bill provides injunctive relief and monetary damages for persons injured as a result of violations of the Act.

The bill further amends sections of the Public Employee Bargaining Act by removing all mention of the term "fair share".

HB 169 contains a severability clause, so that if any part of the Act is held invalid, the remainder is not affected.

HB 169 is effective July 1, 2018.

HB 169 duplicates SB 179.

Talking Points

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**HB 191**  
**FOOD & HEALTHCARE GROSS RECEIPTS OFFSETS**

Gentry, Nate

**Position: Priority: Category:**

HLELC/HTRC  
[2] HLELC/HTRC-HLELC  
Scheduled: 2/06/2018  
[Link to bill on nmlegis.gov](#)

Synopsis

House Bill 191 (HB 191) allows certain municipalities to retain 82% of a distribution to offset gross receipts deductions for food and health care services. HB 191 clarifies that certain local governments without existing hold harmless Gross Receipts Tax (GRT) are exempt from the distribution phase out.

Analysis

Original Analysis

House Bill 191 (HB 191) allows municipalities with less than a population of 10,000 and counties with a population less than 48,000 that do not have hold harmless Gross Receipts Tax (GRT) to offset the deduction of food and health practitioner services deductions will not be subject to the distribution phase out below. Municipalities with a population between 10,000 and 25,000 will maintain a distribution of 82% of the maximum distribution.

HB 191 decreases the distribution of hold harmless GRT for all other municipalities and counties to 76% in Fiscal Year 2019 (FY19). Each subsequent FY, the distribution decreases by 7% until it becomes 0% in FY29.

The effective date of HB 191 is July 1, 2018.

HB 191 relates to HB 198, and SB 49. HB 191 duplicates SB 154.

Talking Points

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**HB 198**  
**TAX CODE CLEANUP**

Gonzales, Roberto

**Position: Priority: Category:**

HSIVC/HTRC  
[2] HSIVC/HTRC-HSIVC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

Synopsis

RELATING TO TAXATION; MAKING TECHNICAL CLEANUP CHANGES TO MULTIPLE TAX ACTS; REVISING PROCEDURES TO ADJUST DISTRIBUTIONS OR TRANSFERS TO LOCAL GOVERNMENTS; REVISING ALLOCATION AND APPORTIONMENT PROVISIONS ON SERVICES FOR INCOME TAXES; REQUIRING INCOME RECEIVED FROM PASS-THROUGH ENTITIES TO BE ALLOCATED AND APPORTIONED BASED ON COMMERCIAL DOMICILE AND FACTORS OF THE ENTITIES; REQUIRING THE DETERMINATION OF IN-STATE SALES OF INTANGIBLES AND SERVICES TO BE BASED ON MARKET SOURCING RATHER THAN COST OF PERFORMANCE; APPLYING THE GROSS RECEIPTS TAX TO SALES BY

OUT-OF-STATE VENDORS TO NEW MEXICO BUYERS; REDUCING THE GROSS RECEIPTS TAX RATE; LIMITING THE NONPROFIT GROSS RECEIPTS TAX EXEMPTION TO CERTAIN NONPROFIT ORGANIZATIONS AND CREATING A DEDUCTION FROM GROSS RECEIPTS AND COMPENSATING TAX FOR OTHER NONPROFIT ORGANIZATIONS; CONVERTING THE FOOD AND HEALTH CARE PRACTITIONER DEDUCTIONS FROM GROSS RECEIPTS TO CREDITS AGAINST THE STATE GROSS RECEIPTS TAX AND REPEALING THE HOLD HARMLESS DISTRIBUTIONS; ALIGNING THE COMPENSATING TAX RATE WITH THE GROSS RECEIPTS TAX RATE; IMPOSING THE COMPENSATING TAX ON LICENSES, FRANCHISES AND SERVICES USED IN NEW MEXICO; IMPOSING MUNICIPAL AND COUNTY COMPENSATING TAXES; CONVERTING A MUNICIPAL DISTRIBUTION TO A REDUCED MUNICIPAL GROSS RECEIPTS TAX RATE; REPEALING CERTAIN DISTRIBUTIONS AND TAX CREDITS, DEDUCTIONS AND EXEMPTIONS; MAKING AN APPROPRIATION.

Analysis

Talking Points

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**HB 206**  
**COMPENSATING & GROSS RECEIPTS TAX CHANGES**

Harper, Jason C.

**Position:**   **Priority:**   **Category:**

HBIC/HTRC  
[2] HBIC/HTRC-HBIC  
Scheduled:2/02/2018  
[Link to bill on nmlegis.gov](#)

Synopsis

RELATING TO TAXATION; PROVIDING THAT THE COMPENSATING TAX RATE SHALL BE IMPOSED AT THE SAME RATE AS THE GROSS RECEIPTS TAX RATE; IMPOSING LOCAL OPTION COMPENSATING TAXES; CLARIFYING CERTAIN SECTIONS OF THE NMSA 1978; REPEALING CERTAIN TAX DEDUCTIONS AND CREDITS THAT ARE SELDOM USED OR HAVE EXPIRED; MAKING AN APPROPRIATION.

Analysis

Talking Points

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**HB 211**  
**LIQUOR LICENSE UNFAIR COMPETITION**

Gentry, Nate

**Position:**   **Priority:**   **Category:**

HBIC/HJC  
[2] not prntd-HRC [3] w/dm -germane-prntd- - ref HBIC/HJC-HBIC  
Scheduled:2/02/2018  
[Link to bill on nmlegis.gov](#)

## Synopsis

House Bill 211 (HB 211) provides that unfair competition provisions apply to all licensees.

## Analysis

### Original Analysis:

House Bill 211 (HB 211) provides that unfair competition provisions apply to all liquor licensees. Currently the provisions of Section 60-8A-1 NMSA 1978 apply to an importer, manufacturer, nonresident licensee or any kind or class of wholesaler. Unfair trade competition includes exclusive agreements for sales of alcohol, , engaging in certain conflicts of interest concerning licenses, real and personal property, and provision of furnishing and other supplies needed by a licensee's business, required quota of sales, commercial bribery and certain conditional sales.

HB 211 would be effective 1 July 2018.

## Talking Points

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## HB 212 FAMILY-FRIENDLY WORKPLACE TAX CREDIT

Dow, Rebecca

**Position:**   **Priority:**   **Category:**

HBIC/HTRC  
[2] HBIC/HTRC-HBIC  
Scheduled: 1/31/2018  
[Link to bill on nmlegis.gov](#)

## Synopsis

House Bill 212 (HB 212) creates the Family-friendly Workplace Tax Credit.

## Analysis

### Original Analysis

House Bill 212 (HB 212) modifies the Income Tax Act and the Corporate Tax Act in order to create the Family-friendly Workplace Income Tax Credit and the Family-Friendly Workplace Corporate Income Tax Credit (credit). Qualifications for this credit include

1. A maximum of 50 full- or part-time employees; and
2. Statewide recognition of companies that adopted policies such as paid leave, health support, work schedules, and economic support that is considered family-friendly.

The amount of credit is \$1,000 per permanent full-time employee and \$500 per part-time that were employed at least 26 weeks. Any excess credit that exceeds tax liability is not refunded, but may be carried forward for five consecutive tax years.

The Taxation and Revenue Department (TRD) is responsible for developing forms and procedures. TRD is charged with annual reporting requirements to appropriate legislative committees.

This credit begins in the January 1, 2018 tax year and sunsets no later than December 31, 2027.

HB 212 relates to HM4 and SM 17.

## Talking Points

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### **HB 239** **ALCOHOL ON RACETRACK CASINO FLOORS**

Louis, Georgene

**Position:**   **Priority:**   **Category:**

HRC  
[3] not prntd-HRC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Bill 239 (HB 239) allows alcohol on the gaming floor of a horse racetrack casino if it is allowed on the gaming floor of a tribal casino.

#### Analysis

#### Original Analysis

House Bill 239 (HB 239) expands the special conditions for racetracks under gaming operator licenses in Section 60-2E-27 NMSA 1978 by allowing alcohol on the gaming floor of a horse racetrack casino if it is allowed on the gaming floor of a tribal casino under a tribal-state class III gaming compact.

HB 239 would be effective 1 July 2018.

## Talking Points

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### **HB 244** **RETIRE-IN-NEW MEXICO CAMPAIGN**

Gentry, Nate

**Position:**   **Priority:**   **Category:**

HLEDC/HAFC  
[3] HLEDC/HAFC-HLEDC  
Scheduled: 1/31/2018  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Bill 244 (HB 244) proposes an appropriation to the Economic Development Department for a retire-in-New Mexico marketing campaign. HB 244 duplicates Senate Bill 21 (SB 21).

#### Analysis

#### Original Analysis

House Bill 244 (HB 244) proposes making an appropriation of \$250,000 to the Economic Development Department for the

development and implementation of a targeted marketing campaign attracting individuals to retire in New Mexico.

According to HB 244, the funds would be appropriated from the General Fund for expenditure in Fiscal Year 2019. Any unexpended or unencumbered balance remaining at the end of Fiscal Year 2019 shall revert to the General Fund.

HB 244 duplicates Senate Bill 21 (SB 21).

## Talking Points

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### **HB 282** **REMOVAL OF PARITALLY CONSUMED WINE**

Sweetser, Candie

**Position: Priority: Category:**

HRC  
[3] not prntd-HRC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

RELATING TO ALCOHOLIC BEVERAGES; AMENDING A SECTION OF THE LIQUOR CONTROL ACT TO PROVIDE FOR A PARTIALLY CONSUMED BOTTLE OF WINE TO BE REMOVED FROM A WINERY.

#### Analysis

## Talking Points

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### **HB 285** **LIQUOR TAX RATE DIFFERENTIAL**

Garcia Richard, Stephanie

**Position: Priority: Category:**

HBIC/HTRC  
[3] HBIC/HTRC-HBIC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

RELATING TO TAXATION; AMENDING THE LIQUOR EXCISE TAX ACT TO PROVIDE A TAX RATE DIFFERENTIAL FOR SPIRITUOUS LIQUOR MANUFACTURED OR PRODUCED BY A CRAFT DISTILLER.

#### Analysis



## Talking Points

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### **HB 292** **BAN ON FINGERPRINT FOR LICENSE RESUBMISSIONS**

Rehm, William

**Position:** **Priority:** **Category:**

HRC  
[3] not prntd-HRC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

RELATING TO THE REGULATION AND LICENSING DEPARTMENT; PROHIBITING REQUIRING RESUBMISSION OF FINGERPRINTS TO RENEW A BUSINESS, PROFESSIONAL OR OCCUPATIONAL LICENSE.

#### Analysis

## Talking Points

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### **HB 293** **FINGERPRINTS NOT REQUIRED FOR LICENSE RENEWAL**

Rehm, William

**Position:** **Priority:** **Category:**

HRC  
[3] not prntd-HRC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSES; PROHIBITING REQUIRING RESUBMISSION OF FINGERPRINTS AFTER ISSUE OF LICENSE.

#### Analysis

## Talking Points

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**HB 305**  
**HOTEL EMPLOYEE PANIC BUTTONS**

Thompson, Elizabeth

**Position: Priority: Category:**

HRC  
[4] not prntd-HRC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

Synopsis

RELATING TO OCCUPATIONAL SAFETY; REQUIRING HOTEL EMPLOYERS TO PROVIDE EMPLOYEES WHO WORK ALONE IN GUEST ROOMS WITH PANIC BUTTONS TO PROTECT FROM VIOLENCE OR SEXUAL HARASSMENT; REQUIRING RECORDKEEPING; ESTABLISHING RIGHTS AND RESPONSIBILITIES; PROVIDING A CIVIL PENALTY.

Analysis

Talking Points

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**HJM 4**  
**STUDY SUGAR-SWEETENED BEVERAGE TAX**

Trujillo, Christine

**Position: Priority: Category:**

HAFC  
HPREF [1] HAFC-HAFC  
Scheduled:2/02/2018  
[Link to bill on nmlegis.gov](#)

Synopsis

House Joint Memorial 4 (HJM 4) requests the Legislative Finance Committee conduct a study to assess impacts of a tax on sugar-sweetened beverages.

Analysis

The House Joint Memorial 4 (HJM 4) states that New Mexico has high diabetes rates, especially for Native American and Hispanic populations. Obesity rates are increasing, especially among youth. Additionally, sugar-sweetened beverages are linked with diabetes, obesity, and cardiovascular risk.

Currently, these beverages are considered food and thus, exempted from Gross Receipts Tax. In light of the World Health Organization calling for a 20% tax on sugar-sweetened beverages with the hope that consumption would decrease, a proposed tax could be used to offset the above mentioned public health issues. Many other jurisdictions and countries have enacted "soda taxes" and studies have indicated that purchases are reduced when the tax is enacted.

For these reasons, HJM 4 requests that the Legislative Finance Committee (LFC) conduct a study of the potential revenue from and implementation of imposing a sugar-sweetened beverage tax on the distributors of these beverages. Finally, the LFC is requested to report its findings and recommendations by October 1, 2018 to the governor, Legislative Health and Human Services Committee, and the Department of Health.

HJM 4 is a duplicate of SJM 6.

## Talking Points

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### **HJM 5 STUDY NATIONAL TRENDS IN WORKERS COMP ISSUES**

Crowder, Randall

**Position: Priority: Category:**

HLEDC  
HPREF [1] HLEDC-HLEDC  
Scheduled:2/07/2018  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Joint Memorial 5 (HJM 5) requests that the Workers' Compensation (WC) Administration Commission commences a periodic study of other states' WC systems in order to identify trends and initiatives that may be recommended to improve New Mexico's system.

#### Analysis

House Joint Memorial 5 (HJM 5) recognizes the importance of Workers' Compensation (WC) benefits that compensate workers injured on the job and enabling them to return to work. Therefore, HJM 5 requests that the WC Administration (Administration) commission an independent study in 2018 on national trends in WC issues and various states' responses to the problems on topics such as return-to-work, opiate-use, and effects of post-traumatic stress disorder claims. The legislature requests that the Administration develop recommendations based on the study's findings and report to appropriate interim committees by December 1, 2018. HJM 5 also asks that the Administration undertake this study every five years.

## Talking Points

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### **HM 1 SCIENCE AND TECHNOLOGY TOURISM TRAIL**

McQueen, Matthew

**Position: Priority: Category:**

HLEDC  
HPREF [1] HLEDC-HLEDC [2] DP/a  
Scheduled:2/01/2018  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Memorial 1 (HM 1) relates to tourism. HM 1 requests the Tourism Department develop a Science and Technology Tourism Trail. HM 1 purpose is to promote the state's science and technology-related history and attractions. HM 1 provides examples of some of New Mexico's science and technology history and attractions, for promotion as tourist destinations.

#### Analysis

House Labor and Economic Development Committee amended analysis of HM 1 (HLEDCa/HM 1)

HLEDCa/HM 1: The Labor and Economic Development Committee amendment to House Memorial 1 completely removes from the science and technology historical timeline, a reference to Pluto being discovered by Clyde Tombaugh in Bosque Del Apache. No replacement content was added. The synopsis is not affected by this change.

#### Original Analysis

House Memorial 1 (HM 1) requests the Tourism Department develop a Science and Technology Tourism Trail for the purpose of promoting the state's science and technology-related history and attractions. HM 1 states that New Mexico's science and technology history and attractions are worthy of promotion as tourist destinations. HM 1 provides examples of the state's unique science and technology related history and attractions for this promotion.

#### Talking Points

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## HM 4 PARENTAL PAID-LEAVE PROGRAM

Ely, Daymon

**Position:**   **Priority:**   **Category:**

HHHC  
HPREF [1] HHHC-HHHC [2] DP/a  
Scheduled:2/01/2018  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Memorial 4 (HM 4) requests that the Parental Paid-Leave Working Group, created by HM 2, continue efforts from the first session of the 52nd legislature to implement a program in the state by 2020.

#### Analysis

#### HHHCa HM 4

The House Health and Human Services Committee amendments (HHHCa) to House Memorial 4 (HM 4) reestablishes the Parental Paid-Leave Working Group and adds representation from the New Mexico Federation of Labor and from small, medium, and large businesses in order to represent a diverse business community.

#### Original Analysis

House Memorial 4 (HM 4) requests that work that began during the first regular session of the 52nd legislature with HM 2 in 2015 continue with the convening of the Parental Paid-Leave Working Group (Group). The Group presented data on other states' actions and proposed an outline of a New Mexico program that would provide employee contributions to a fund and reimbursements to pay a portion of an employee's salary when up to 12 weeks of unpaid leave is taken for an ill family member, bonding with a newborn, adopted, or foster child.

HM 4 requests that the Group continue to develop recommendations for the establishment of a parental paid-leave and paid family- and medical-leave program with supporting data. The Group would continue with the chair, the executive director of the Southwest Women's Law Center.

The Group is requested to make findings and recommendations for the establishment of a publically managed parenting workers' leave fund for private and public sectors and answer which state agency should manage the fund. The recommendations should include an implementation plan beginning July 2020 three-years beginning with a pilot program in year one, public employers phased in by year two and the private by year three.

The plan is requested to be presented to the Legislative Health and Human Services Committee by December 31, 2018 for approval of pilot program for vote by the legislature in 2019.

## Talking Points

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### **HM 6** **50TH ANNIVERSARY BALLOON FIESTA STAMP**

Maestas Barnes, Sarah

**Position: Priority: Category:**

HLELC  
HPREF [1] HLELC-HLELC [2] DP  
Scheduled: 2/01/2018  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Memorial 6 (HM 6) relates to tourism and the Citizens' Stamp Advisory Committee. HM 6 calls for the United States Postal Service Postmaster General to support the issuance of a postage stamp commemorating the fiftieth (50th) Albuquerque International Balloon Fiesta in 2021.

#### Analysis

#### Original Analysis

House Memorial 6 (HM 6) calls for the United States Postal Service Postmaster General to support the issuance of a postage stamp commemorating the fiftieth (50th) Albuquerque International Balloon Fiesta in 2021. HM 6 discusses the importance of the Balloon Fiesta event on state tourism.

HM 6 states that the Citizens' Stamp Advisory Committee is charged with reviewing subjects for commemorative stamps and for recommending new subjects for commemorative stamps to the United States Postal Service Postmaster General for determination.

## Talking Points

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### **HM 15** **STUDY CREATING OFFICE OF OUTDOOR RECREATION**

Small, Nathan

**Position: Priority: Category:**

HBIC  
[2] HBIC-HBIC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Memorial 15 (HM 15) requests a study be developed by the New Mexico state departments of Tourism and Economic Development (NMTD and NMEDD) on the financial impact of a state Office for Outdoor Recreation (NMOOR) and the economic potential of recruiting outdoor recreation products and service industries to New Mexico and this study be presented to the Legislative Finance Committee (LFC) and other appropriate legislative interim committees by October 1, 2018.

## Analysis

House Memorial 15 (HM 15) resolves the New Mexico Tourism and Economic Development departments (NMTD and NMEDD) be requested to consult the outdoor recreation industry in order to study the costs of a state office of outdoor recreation, and, also to evaluate the economic potential of recruiting and developing industries related to outdoor recreation in New Mexico, for example hunting, fishing, skiing, mountain biking, running, backpacking, birding, boating and camping

HM 15 notes the states of Utah and Colorado have such offices, that 65 percent (65%) of New Mexicans participate in a multitude of outdoor recreation opportunities, as well as the state of New Mexico offered its rich culture and public lands to 34 million travelers in 2015.

HM 15 states outdoor recreation in-state generates:

- six billion one hundred million dollars (\$6,100,000,000) in consumer spending,
- sixty-eight thousand direct jobs,
- one million seven hundred thousand (\$1,700,000,000) in wages and salaries and
- four hundred fifty-eight million dollars (\$458,000,000) in state and local tax revenue, compared to nationwide:
- six hundred forty-six billion dollars (\$646,000,000,000) in consumer spending
- six million one hundred thousand jobs.

HM 15 declares the NM Tourism and Economic Development departments present their findings to the Governor, the Legislative Finance Committee (LFC) and other appropriate legislative interim committees by October 1, 2018, and copies of the memorial be sent to the Governor, the Secretary of Tourism, the Secretary of Economic Development, the chair of the LFC and the co-chairs of the New Mexico Legislative Council.

## Talking Points

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### HM 16 MINIMUM WAGE FOR DISABLED EMPLOYEES

Ferrary, Joanne

**Position:**   **Priority:**   **Category:**

HHHC  
[2] HHHC-HHHC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

## Synopsis

House Memorial 16 (HM 16) requests the Developmental Disabilities Planning Council to convene a task force to make recommendations that facilitate transition to compliance with minimum wage requirements for employees with disabilities and that identify any disability population group that should be exempted from a minimum wage requirement.

## Analysis

### Original Analysis

House Memorial 16 (HM 16) requests the Developmental Disabilities Planning Council (DDPC) to convene a task force to make recommendations that facilitate transition to compliance with minimum wage requirements for employees with disabilities and that identify any disability population group that should be exempted from a minimum wage requirement.

It finds:

- Pursuant to the provisions of 29 U.S.C. 214(c), commonly referred to as 14(c), certain nonprofit agencies in New Mexico have obtained federal certificates that they assert allows the agencies to pay some of their employees with significant disabilities less than a minimum wage, based on an individualized determination that the employee is less productive than employees without disabilities;
- There are currently only three nonprofit agencies in New Mexico that continue to use these federal certificates;
- Recent guidance from the US Department of Labor clarifies that federal subminimum wage certificates do not exempt employers from minimum wage requirements if state law prohibits subminimum wages or does not exempt employers of persons with disabilities from minimum wage requirements;

- The Workforce Solutions Department has not granted authority to any employer in New Mexico to pay less than a minimum wage based on the disabilities of its employees;
  - The DDPC is charged by law to act as a planning and coordinating body for persons with developmental disabilities.
- HM 16 requests the DDPC to convene a task force to review the issues associated with minimum wages for all employees with disabilities. It specifies the composition of the task force by type of person, interest, expertise or organization.

It specifies that the task force will make recommendations that would facilitate the transition to full compliance with minimum wage requirements and mitigate potential negative impacts of such requirements. The recommendations may include proposed amendments to state law that would provide exceptions to minimum wage requirements for certain categories of people with disabilities and whether any such exceptions should be time-limited or not.

HM 16 requires the task force to present its report and recommendations to the legislative Health and Human Services Committee by 1 October 2018.

The secretary of health, the secretary of human services, the secretary of children, youth and families, the secretary of aging and long-term services, the secretary of public education, the secretary of higher education, the president of the board of directors of Disability Rights New Mexico and the president of the National Federation of the Blind of New Mexico will receive copies of HM 16.

HM 16 relates to SB 120.

## Talking Points

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### HM 20 HEALTH INSURANCE MARKET STABILITY TASK FORCE

Thompson, Elizabeth

**Position:**   **Priority:**   **Category:**

HHHC  
[2] HHHC-HHHC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Memorial 20 (HM 20) requests that the superintendent of insurance convene an Individual Health Insurance Market Stability Task Force to research options to strengthen the stability of the individual health insurance market and maintain and increase enrollment in high quality affordable health coverage and requesting the New Mexico Legislative Council to charge the Legislative Health and Human Services Committee with receiving testimony from the task force and from consumers, insurers, state agencies, and other stakeholders in the individual health insurance market during the 2018 interim.

#### Analysis

House Memorial 20 (HM 20) requests a task force to research options for stabilizing the individual health insurance market. HM 20 states the percentage of uninsured has fallen from twenty eight percent to thirteen percent insuring seventy thousand New Mexicans.

The Affordable Care Act's provisions still require health insurance carriers to provide health coverage discounts to low-income customers, and health insurance carriers will recover the loss of federal cost-sharing reduction payments by charging the rest of the health insurance market higher premiums.

Individual market health insurance premiums have increased thirty-four percent for the 2018 plan year in New Mexico. Other reasons to justify an analysis of the market are included in HM 20.

Thus the superintendent of insurance is requested to convene an Individual Health Insurance Market Stability Task Force to research options for strengthening the stability of the individual health insurance market and for maintaining and increasing enrollment in high-quality, affordable health coverage.

The task force would be asked to explore alternative models to the shared responsibility provision of the Affordable Care Act, including automatic or default health coverage enrollment and the potential ramifications for meaningful access to high-quality, affordable health coverage that changes in federal statutes and regulations may have.

The New Mexico Legislative Council is requested to charge the Legislative Health and Human Services Committee with receiving the recommendations of the Individual Insurance Market Stability Task Force by November 1, 2018, as well as receiving testimony from stakeholders in the individual health insurance market during the 2018 interim.

Members of the task force will include the Human Services Department and other state agencies; the New Mexico Health Insurance Exchange, New Mexico health insurers, the Taxation and Revenue Department, the Health Care Consumer Advocacy Community, and health care providers to provide information to the Legislative Health and Human Services Committee as needed.

## Talking Points

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### HM 24 "NM FOOD & FARMS DAY"

Dow, Rebecca

**Position:**   **Priority:**   **Category:**

/  
[2] nt prntd-nt ref com-tbld- w/drn - PASSED/H (70-0).  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

House Memorial 24 (HM 24) requests the House of Representatives to declare January 23, 2018, New Mexico Food and Farms day. HM 24 relates to SM 17.

#### Analysis

#### Original Analysis

House Memorial 24 (SM 24) requests the House of Representatives to declare January 23, 2018, New Mexico Food and Farms day as an investment in New Mexico's children, economy and future. This request states that the New Mexico farming culture is significant to local economies and provides employment opportunities. Additional purchases of New Mexico agriculture products by consumers and increased investment from the legislature to support schools purchases of fresh produce for school meals promotes healthier lifestyles and increases academic achievement while benefiting New Mexico's farming economy. Such support leads to savings in health care expenses. This investment also accelerates the growth of farmers and food entrepreneurs. HM 24 relates to SM 17.

## Talking Points

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### HM 53 STATE TRUST LAND FOR ECOTOURISM

Rubio, Angelica

**Position:**   **Priority:**   **Category:**

HSIVC  
[3] HSIVC-HSIVC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis



REQUESTING THE STATE LAND OFFICE TO STUDY THE FEASIBILITY AND ECONOMIC IMPACT OF OPENING STATE TRUST LANDS TO ADDITIONAL RECREATIONAL AND ECOTOURISM OPPORTUNITIES.

Analysis

Talking Points

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**HM 61**  
**PROTECT PROGRAMS VITAL TO NM ECONOMY**

Dodge, George

**Position: Priority: Category:**

HAWC  
[3] HAWC-HAWC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

Synopsis

ENCOURAGING THE NEW MEXICO CONGRESSIONAL DELEGATION TO PROTECT PROGRAMS VITAL TO NEW MEXICO'S ECONOMY AND TO NEW MEXICO FAMILIES FUNDED BY THE 2018 FEDERAL FARM BILL.

Analysis

Talking Points

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**SB 26**  
**DWI TESTING REQUIREMENTS**

Ivey-Soto, Daniel

**Position: Priority: Category:**

SCC/SPAC/SJC/SFC  
SPREF [1] SCC/SPAC/SJC/SFC-SCC [3]germane-SPAC [5] DP-SJC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

Synopsis

Senate Bill 26 (SB 26) amends the requirements for testing the blood of a person suspected of operating a motor vehicle while under the influence of intoxicating liquor or drugs. It changes procedures for the issuance of temporary licenses

Analysis

Analysis: Senate Bill 26 (SB 26) clarifies the requirements for testing the blood of a person suspected of operating a motor vehicle while under the influence of intoxicating liquor or drugs (DWI) by adding the word breath to test for an aggravated DWI when a person refuses to submit to chemical testing as per Section 66-8-102 NMSA 1978.

It no longer requires the court to find that the DWI resulted in great bodily harm or that the person committed another felony while DWI to issue a search warrant authorizing chemical tests based upon the officer's written affidavit that there is probable cause as to that person's DWI. It makes technical changes throughout.

SB 26 expands the need for a written notice of revocation and a right to be heard for those requests for chemical tests to include those under Section 66-8-111 NMSA 1978. It clarifies that the issuance of a notice of revocation and a right to a hearing under either Section 66-8-107 or 66-8-111 NMSA 1978 will act as a temporary license for twenty days or until the date of the administrative hearing if the driver made a request for an extension. The notice will only serve as a temporary license if the person had otherwise valid driving privileges in this state.

SB 26 would be effective 1 July 2018.

SB 26 relates to HB 54.

## Talking Points

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### **SB 32** **CIDER DEFINITION & TAX RATE**

Stewart, Mimi

**Position:**   **Priority:**   **Category:**

SCC/SCORC/SFC  
SPREF [2] SCC/SCORC/SFC-SCC [3]germane-SCORC [9] DP-SFC  
Scheduled:2/02/2018  
[Link to bill on nmlegis.gov](#)

#### Synopsis

Senate Bill 32 (SB 32) revises the definition of cider in the Liquor Excise Tax Act and the Liquor Control Act. SB 32 provides a tax rate differential for small winegrowers.

#### Analysis

Senate Bill 32 (SB 32) redefines cider as an alcoholic beverage made from the fermentation of the juice of pears in addition to apples. The maximum percent of alcohol by volume increases from 7% to 8.5%. For cider manufactured or produced by a small winegrower and sold in the state, the current cider excise tax (\$.41 per gallon) decreases to \$.08 per gallon on the first 10,000 barrels and \$.28 per gallon for over 10,000 barrels but less than 15,000 barrels.

SB 32 does not make an appropriation. The effective date of SB 32 is July 1, 2018.

## Talking Points

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### **SB 34** **LOCAL OPTION LIQUOR LICENSE FOR NM PRODUCTS**

Soules, William

**Position:**   **Priority:**   **Category:**

SCC/SRC/SCORC

## Synopsis

Senate Bill 34 (SB 34) provides that a Local Option District may hold an election to allow the sale by certain restaurant licensees of spirituous liquors distilled and bottled in New Mexico.

## Analysis

Senate Bill 34 (SB 34) provides that a Local Option District may hold an election to allow the sale by certain restaurant licensees of spirituous liquors distilled and bottled in New Mexico. It expands the restaurant licenses subject to a local option district election in Section 60-6A-4 NMSA 1978 to include a license for either the sale of beer and wine only or for the sale of beer and wine and of spirituous liquors distilled and bottled in New Mexico. If a local option district does approve the issuance of restaurant licenses for the sale of beer and wine and of spirituous liquors distilled and bottled in New Mexico, it shall limit the geographic locations for these licenses to the following districts: enterprise zone; tax increment development district; an arts and cultural district, pursuant to the Arts and Cultural District Act; a main street, pursuant to the Main Street Act; a business improvement district, pursuant to the Business Improvement District Act; a frontier community; or any other geographic location within a Local Option District that has been identified by the main street program coordinator or the relevant local government as a location in need of revitalization or economic development improvements. SB 34 makes other conforming changes to this section and it requires the applicant for such a license to submit evidence to the department that the subject restaurant is located within the local option district's designated area.

SB 34 clarifies that the fee for a restaurant license for the sale of beer and wine only will continue to be one thousand fifty dollars (\$1,050) and that the fee for a restaurant license for the sale of beer and wine and of spirituous liquors distilled and bottled in New Mexico will be two thousand dollars (\$2,000).

SB 34 relates to HB 98.

## Talking Points

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### **SB 78** **CULTURAL AFFAIRS DEPT. TICKET SALES**

O'Neill, Bill B.

**Position:**   **Priority:**   **Category:**

SCC/SIAC/SFC  
SPREF [2] SCC/SIAC/SFC-SCC [5]germane-SIAC [7] DP-SFC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

## Synopsis

### Original Synopsis

Senate Bill 78 (SB 78) relates to cultural affairs. SB 78 makes changes to Section 9-4A-6. NMSA 1978, to empower the Secretary of Cultural Affairs in authorizing vendors to sell tickets, passes and other Cultural Affairs Department products. SB 78 provides for vendors retaining a portion of the sale price. SB 78 requires rulemaking.

## Analysis

### Original Analysis

Senate Bill 78 (SB 78) adds a subsection (F) to Secretary-Duties and General Powers, Section 9-4A-6. NMSA 1978. SB 78 empowers the Secretary of Cultural Affairs to have the authority to authorize vendors to sell tickets, passes or other department products in compliance with rules adopted by the secretary. SB 78 establishes the rule that a vendor is authorized to sell tickets,

passes or other department products and retain a portion of the sale price.

## Talking Points

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### **SB 93** **LIQUOR DISPENSER'S LICENSE CHANGES**

Griggs, Ron

**Position: Priority: Category:**

SCC/SCORC/SJC  
SPREF [2] SCC/SCORC/SJC-SCC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

Senate Bill (SB 93) allows dispenser's licenses to be transferred out of a local option district intact and allows certain dispenser's licenses to reinstate retail privileges.

#### Analysis

#### Original Analysis

Senate Bill (SB 93) deletes the provision in Section 60-6B-12 NMSA 1978 that restricts a licensee with a dispenser's license transferred out of the local option district to selling, serving or permitting the consumption of alcohol by the drink on the licensed premises, thus allowing dispenser's licenses to be transferred out of a local option district intact. It allows a licensee with a dispenser's license that, under previous law, lost the privilege to sell alcoholic beverages in unbroken packages for consumption as a result of transferring out of its original local option district to have this privilege reinstated if the licensee pays seventy-five thousand dollars (\$75,000) to the Regulation and Licensing Department.

## Talking Points

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### **SB 95** **METRO REDEVELOPMENT CODE CHANGES**

Cisneros, Carlos R.

**Position: Priority: Category:**

SCC/SPAC/SCORC  
SPREF [2] SCC/SPAC/SCORC-SCC [6]germane-SPAC [8] DP-SCORC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

Senate Bill 95 (SB 95) modifies the Metropolitan Redevelopment Code by providing counties with power and duties and make conforming changes.

## Analysis

### Original Analysis

Senate Bill 95 (SB 95) modifies the Metropolitan Redevelopment Code (Section 3-60A NMSA 1978) by expanding the Code's applicability to counties and local governments instead of exclusively to municipalities. Counties are provided with duties and powers to undertake eligible projects such as creative enterprises, cultural facilities, and public infrastructure.

SB 95 does not create additional tax revenue or make an appropriation.

### Talking Points

The New Mexico Economic Development Department would like to update the Metropolitan Redevelopment Code to allow counties to use the important redevelopment tool in small unincorporated communities. Currently only Los Alamos and Bernalillo counties can use the MR Code or adopt a Metropolitan Redevelopment Area based on their status as a Class H or incorporated county. The NM Metropolitan Redevelopment Code (NM State Statute 3-60A.1-41, 1978) is a tool that empowers municipalities with additional authorities to revitalize and redevelop areas that are deteriorated, blighted or underutilized in order to stimulate economic development. The MR Code allows for the creation of Public/Private Partnerships that don't violate New Mexico's anti-donation clause based on municipalities receiving fair value when there are tangible benefits to their investment in public/private economic development projects. The MR Code also includes funding and financial tools such as Tax Increment Financing (TIF) Districts, property tax deferrals or credits, the issuance of revenue bonds, State/Federal Brownfield funding opportunities, low income Housing Tax Credits bonus points, and CDBG Funding eligibility. There are currently more than 25 New Mexico MainStreet and Frontier Communities with Metropolitan Redevelopment Area Districts and MRA Economic Development Plans. The MRA has been a very successful redevelopment tool for both small and large municipalities where it has been used in communities such as Questa, Farmington, Clovis, Lovington, Gallup, Lordsburg, Santa Clara, Carrizozo, Las Cruces, T or C, and Albuquerque. The New Mexico Economic Development Department is proposing three updates to the MR Code: 1) Changing wording that identifies municipalities to local government in order to allow counties to utilize and implement the tool in smaller unincorporated communities throughout the state. 2) Including a Gross Receipt Tax option in the collection of revenue for Tax Increment Financing Districts. 3) Adding creative enterprises and industries; cultural facilities as identified in the Local Economic Development Act; and public infrastructure in state authorized MainStreet Districts and Arts & Cultural Districts to the list of qualified projects. All power in the MR Code is vested in the local government so there is no involvement by the State or economic impact on the State budget. The use of the MR Code and its financing tools is entirely voluntary and a Metropolitan Redevelopment Area must be adopted by the local government in order for it to be utilized.

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## SB 106

### NM-GROWN PRODUCE IN SCHOOL MEALS

Woods, Pat

**Position:**   **Priority:**   **Category:**

SCC/SCONC/SFC  
[5] SCC/SCONC/SFC-SCC-germane-SCONC [9] DP-SFC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

### Synopsis

Senate Bill 106 (SB 106) makes a recurring appropriation to provide New Mexico-grown fresh fruits and vegetables for school meals.

## Analysis

### Original Analysis

Senate Bill 106 (SB 106) appropriates \$400,000 from the General Fund (GF) to the Public Education Department (PED) beginning in Fiscal Year 2019 (FY19) for the purchase and distribution of fresh fruits and vegetables grown in New Mexico. Eligible recipients are PED's school meal programs in school districts, charter schools, and juvenile detention centers.

SB 106 does not define parameters for what constitutes “grown in New Mexico” means nor what expenses may qualify as the “purchase” and “distribution” of food.

Remaining funds will not revert to the GF.

SB 106 is a duplicate of HB 62.

## Talking Points

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### **SB 128** **TAX CODE CLEANUP & REPORTING**

Cisneros, Carlos R.

**Position: Priority: Category:**

SCC/SCORC/SFC  
[5] SCC/SCORC/SFC-SCC-germane-SCORC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

Senate Bill 128 (SB 128) allows certain information released to the Department of Finance and Administration and the Legislative Finance Committee for analyzing tax revenue. SB 128 establishes reporting criteria for certain deductions and credits and disclosure of taxpayer identities. SB 128 also excludes certain entities from a non-profit gross receipts tax exemption and narrows the Premium Tax in Lieu provision.

#### Analysis

##### Original Analysis

Senate Bill 128 (SB 128) authorizes state agencies to reveal to economists of the Department of Finance and Administration (DFA) and the Legislative Finance Committee (LFC) return information for the purpose of tracking, forecasting, and analyzing tax revenue, including deductions and tax credits. The economists will be subject to statutory penalty (guilty of a misdemeanor, fined not more than one thousand dollars (\$1,000) and/or imprisoned up to one year, and not be reemployed by the state for a period of five years after the date of the conviction) if failing to maintain confidentiality of records.

There are two tax changes resented in SB 128. The exclusion from GRT for receipts of insurance companies is narrowed from all receipts to only those for which the Premium Tax is assessed. This will leave all other receipts subject to GRT. The receipts of a contractor that operates a national lab in the state regardless of the contractor's non-profit status will be subject tax.

SB 128 authorizes the disclosure of taxpayer identity and the amount of deduction or credit when the following are claimed.

- oRural Job Tax Credit;
- oDeduction from Gross Receipts Tax (GRT) for trade-port companies in a border zone;
- oGRT deduction for aircraft sales and services;
- oGross receipts deduction by hospitals;
- oInvestment Credit Act;
- oHigh-Wage Jobs Tax Credit; and
- oAlternative Energy Product Manufactures Tax Credit

In addition to the deductions and credits above, SB 128 requires annual report for various GRT and Compensating Tax deductions.

The effective date of SB 128 is July 1, 2018.

SB 128 repeals affected statutes and makes other conforming changes. This legislation has been referred to the Legislative Finance Committee.

SB 128 is a duplicate of SB 68.

## Talking Points

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### **SB 154** **FOOD GROSS RECEIPTS HOLD HARMLESS CHANGES**

Morales, Howie C.

**Position: Priority: Category:**

SCC/SCORC/SFC  
[5] SCC/SCORC/SFC-SCC [6]germane-SCORC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

Senate Bill 154 (SB 154) allows certain municipalities to retain 82% of a distribution to offset gross receipts deductions for food and health care services. SB 154 clarifies that certain local governments without existing hold harmless Gross Receipts Tax (GRT) are exempt from the distribution phase out.

#### Analysis

##### Original Analysis

Senate Bill 154 (SB 154) allows municipalities with less than a population of 10,000 and counties with a population less than 48,000 that do not have hold harmless Gross Receipts Tax (GRT) to offset the deduction of food and health practitioner services deductions will not be subject to the distribution phase out below. Municipalities with a population between 10,000 and 25,000 will maintain a distribution of 82% of the maximum distribution.

SB 154 decreases the distribution of hold harmless GRT for all other municipalities and counties to 76% in Fiscal Year 2019 (FY19). Each subsequent FY, the distribution decreases by 7% until it becomes 0% in FY29.

The effective date of SB 154 is July 1, 2018.

SB 154 relates to HB 198, and SB 49. SB 154 duplicates HB 191.

## Talking Points

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### **SB 162** **GROSS RECEIPTS TAX CHANGES**

Cisneros, Carlos R.

**Position: Priority: Category:**

SCC/SCORC/SFC  
[5] SCC/SCORC/SFC-SCC [6]germane-SCORC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

Senate Bill 162 (SB 162) reduces the Gross Receipts Tax (GRT) rate; subjects certain out-of-state sales and third-party sellers to GRT and Compensating Tax (CT); taxes nonprofit hospitals and government hospitals; increases the Motor Vehicle Excise Tax

(MVET); limits the Premium Tax in Lieu of provision; repeals the credit against GRT for certain hospitals; and repeals other income tax credits and GRT exemptions and deductions. SB 162 makes an appropriation.

## Analysis

### Original Analysis

Senate Bill 162 (SB 162) make substantive changes to the Gross Receipts Tax (GRT):

- 1.Reduces the GRT rate from 5.125 to 4.845;
- 2.Identifies place of business is where property or service is sold or delivered, thus taxing out of state businesses;
- 3.Third-party sellers (remote sellers, or out of state marketplace facilitator) with gross receipts sourced to the state in excess of \$100,000 are subject to the GRT;
- 4.Bars Taxation and Revenue Department (TRD) from collecting GRT for sales by those without a physical presence in the state and who did not report taxable gross receipts prior to July 1, 2019;
- 5.Imposes GRT and Governmental GRT (GGRT) on state nonprofit hospital and government hospitals, but maintains their exemption from local option GRT;
- 6.Distributes the GRT and GGRT on hospitals to the General Fund;
- 7.Repeals the credit against GRT for hospitals and distributes that credit to ;
- 8.Subjects receipts from contractors operating a national laboratory to GRT;

SB 162 increases the Motor Vehicle Excise Tax (MVET) from 3% to 4%. This legislation limits the Premium Tax in Lieu of provision on revenue or receipts when the premium tax is assessed.

SB 162 is related to HB 191, HB 198, HB 206, SB 17, SB 49, SB 68, SB 128, and SB 175.

## Talking Points

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## SB 175 TAX CODE CHANGES

Cisneros, Carlos R.

**Position:**   **Priority:**   **Category:**

SCC/SCORC/SFC  
[6] SCC/SCORC/SFC-SCC [7]germane-SCORC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

### Synopsis

Senate Bill 175 (SB 175) reduces the Gross Receipts Tax (GRT) rate, levies the tax on out of state vendors, third-party sellers, non-profit hospitals, and government hospitals. SB 175 limits the Premium Tax in lieu of provision. The credit against GRT is eliminated for certain hospitals and an appropriation is made by this bill.

## Analysis

### Original Analysis

Senate Bill 175 (SB 175) modifies the Gross Receipts Tax (GRT) rate from 5.125% to 4.845%. However, the decrease in tax revenue is offset by the levy of GRT on sales by those without a physical presence in the state if the property or service is delivered in New Mexico. Additionally, marketplace facilitators like Amazon and remote sellers who use third party platforms will also be subject to GRT and Compensating Tax (CT) by this legislation. The Taxation and Revenue Department (TRD) is barred from collecting GRT prior to July 1, 2019 on businesses that lacked a physical presence in the state and did not report taxable gross receipts.



SB 175 removes the nonprofit exemption to GRT in order to treat nonprofit and for profit hospitals the same. National laboratory prime contractors are also subject to GRT. The Governmental Gross Receipts Tax (GGRT) that nonprofit hospitals will pay is appropriated to the General Fund (GF). This legislation

SB 175 increases the Motor Vehicle Excise Tax from 3% to 4%. The Premium Tax is imposed on revenue or receipts where it is assessed in lieu of other taxes which is more broad imposition over the current statute.

SB 175 relates to HB 198, HB 206, SB 17, SB 49, SB 68, SB 128, and SB 162.

## Talking Points

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### **SB 179** **EMPLOYEE PREFERENCE ACT**

Ingle, Stuart

**Position:**   **Priority:**   **Category:**

SCC/SPAC/SJC  
[6] SCC/SPAC/SJC-SCC [7]germane-SPAC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

Senate Bill 179 (SB 179) prohibits private and certain state public employers to require their employees to become or remain a member of a labor union or pay union dues.

#### Analysis

Senate Bill 179 (SB 179)enacts the “Employee Preference Act” (Act) which prohibits private and certain public employers to require their employees to be a part of a union, or pay dues to a labor organization, charity, or other third party, instead of payment to a labor organization. The bill defines employer as: a person or the state, a political subdivision of the state, including a municipality that has adopted a home rule charter, school districts, and post-secondary public educational institutions. The Act does not apply to federal employers and employees, employers covered by the federal Railway Labor Act, employers and employees on exclusive federal enclaves, or where the Act would conflict or be preempted by federal law.

The bill requires the attorney general and district attorneys to investigate and prosecute violations of the Act. Violations of the Act are a misdemeanor, punishable by up to \$1,000 fine and/or 90 days in jail. The bill provides injunctive relief and monetary damages for persons injured as a result of violations of the Act.

The bill further amends sections of the Public Employee Bargaining Act by removing all mention of the term “fair share”.

SB 179 contains a severability clause, so that if any part of the Act is held invalid, the remainder is not affected.

SB 179 is effective July 1, 2018.

SB 179 duplicates HB 169

## Talking Points

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### **SB 183** **RESTAURANT LIQUOR SALES WITH A MEAL**

Sanchez, Clemente

**Position:** Oppose **Priority:** **Category:**

SCC/SCORC/SJC  
[6] SCC/SCORC/SJC-SCC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

Senate Bill 183 (SB 183) requires all sales, service and consumption of beer and wine at a licensed restaurant to be in conjunction with a meal purchase. The bill further defines the term meal to include a lunch or dinner entree.

#### Analysis

##### Original Analysis

Senate Bill 183 (SB 183) amends Section 60-6A-4 relating to restaurant licenses for the sale of beer and wine. SB 183 requires that all sales, service and consumption of beer and wine at a licensed restaurant must only be in conjunction with a meal purchase. The bill defines meal as a lunch or dinner entrée, and does not include only an appetizer, snack or dessert.

#### Talking Points

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## **SB 204** **ALCOHOL & PRIVATE CELEBRATIONS**

Smith, John Arthur

**Position:** **Priority:** **Category:**

SCC/SPAC/SCORC  
[7] SCC/SPAC/SCORC-SCC [9]germane-SPAC  
Scheduled: 2/02/2018  
[Link to bill on nmlegis.gov](#)

#### Synopsis

Senate Bill 204 (SB 204) provides for wine and beer sales at private celebrations and defines "private celebrations". It allows winegrower Sunday sales to begin at 11:00 A.M.

#### Analysis

##### Original Analysis

provides for wine and beer sales at private celebrations. It modifies Section 60-6A-11 NMSA 1978 to allow a winegrower to sell wine or beer produced by a small brewer by the glass or in unbroken packages for consumption off-premises but not for resale at a private celebration on or off the winegrower's premises. It defines private celebrations as any celebratory activity that is held in a private or public venue not open to the general public and for which attendance is subject to private invitation. It makes other conforming changes in this section.

SB 204 makes the same changes to a small brewer's license in Section 60-6A-26.1 NMSA 1978.

SB 204 duplicates HB 261.

## Talking Points

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### **SB 206** **RAISE MINIMUM WAGE**

Munoz, George K.

**Position: Priority: Category:**

SCC/SPAC/SCORC  
[7] SCC/SPAC/SCORC-SCC [8]germane-SPAC  
Scheduled:2/02/2018  
[Link to bill on nmlegis.gov](#)

#### Synopsis

Senate Bill 206 (SB 206) raises the minimum wage and provides for a trainee employee minimum wage.

#### Analysis

#### Original Analysis

Senate Bill 206 (SB 206) raises the minimum wage in Section 50-4-22 NMSA 1978 to nine dollars an hour with an exception for trainee employees.

SB 206 allows an employer to hire trainee employees at a wage of eight dollars an hour for a training period not to exceed sixty days from the date of hire. It defines trainee employee as an employee who is being trained to perform the job for which the employee was hired.

It raises the wage of those who receive tips from two dollars and thirteen cents (\$2.13) to two dollars sixty-three cents (\$2.63).

SB 206 would be effective 1 October 2018.

## Talking Points

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### **SJM 6** **STUDY SUGAR-SWEETENED BEVERAGE TAX**

Ortiz y Pino, Jerry

**Position: Priority: Category:**

SRC/SCORC  
SPREF [3] SRC/SCORC-SRC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](#)

#### Synopsis

Senate Joint Memorial 6 (SJM 6) requests the Legislative Finance Committee conduct a study to assess impacts of a tax on sugar-sweetened beverages.

#### Analysis

The Senate Joint Memorial 6 (SJM 6) states that New Mexico has high diabetes rates, especially for Native American and Hispanic populations. Obesity rates are increasing, especially among youth. Additionally, sugar-sweetened beverages are linked with diabetes, obesity, and cardiovascular risk.

Currently, these beverages are considered food and thus, exempted from Gross Receipts Tax. In light of the World Health Organization calling for a 20% tax on sugar-sweetened beverages with the hope that consumption would decrease, a proposed tax could be used to offset the above mentioned public health issues. Many other jurisdictions and countries have enacted "soda taxes" and studies have indicated that purchases are reduced when the tax is enacted.

For these reasons, SJM 6 requests that the Legislative Finance Committee (LFC) conduct a study of the potential revenue from and implementation of imposing a sugar-sweetened beverage tax on the distributors of these beverages. Finally, the LFC is requested to report its findings and recommendations by October 1, 2018 to the governor, Legislative Health and Human Services Committee, and the Department of Health.

SJM 6 is a duplicate of HJM 4.

Talking Points

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