

# 2018 NEW MEXICO LEGISLATIVE SUMMARY

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G R E A T E R  
ALBUQUERQUE  
C H A M B E R O F  
COMMERCE

*working for you*

**t**he Greater Albuquerque Chamber of Commerce (the Chamber) is New Mexico’s most influential and broad-based business association, with 3,000 investor companies that employ tens of thousands of New Mexicans. On behalf of these investors, the Chamber advocates in Santa Fe for state-level policies that support business and job growth, encourage the development of a stronger and well-trained workforce, improve the overall economic climate of our state, and make New Mexico an even more attractive and welcoming place for people to live, work, and visit. Of course, the Chamber also works to prevent the passage of legislation that is in opposition to these goals.

This publication summarizes the key pieces of legislation the Chamber actively supported (or opposed) during the 2018 regular legislative session, as well as reports on whether these bills passed the Legislature or not. These legislative priorities were principally organized around four key policy goals: creating and sustaining job growth and economic development, improving education and the quality of our workforce, enhancing public safety, and passing a fiscally responsible state budget.



*by the numbers*

- 1017 total bills filed
- 111 bills passed by both House and Senate
- 80 bills signed into law by the Governor
- 31 bills vetoed by the Governor
- 66 bills on which the Chamber testified
- 75 committee hearings in which testimony was provided



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Meg Meister  
*Chairman of the Board*



Terri Cole  
*President and CEO*



Pat Vincent-Collawn  
*Chairman-elect  
and Chair, Public Safety  
Bold Issues Group (BIG)*



Sherman McCorkle  
*Vice Chair,  
Bold Issues Groups (BIGs)*

## *Dear Investors,*

The Chamber is charged with the important responsibility of cultivating and promoting an environment that helps businesses succeed and creates economic opportunities and jobs for residents. We take this role very seriously, and advocacy in government is one key way in which we work to achieve these goals.

A large portion of our mission-driven advocacy efforts plays out during New Mexico's annual legislative session in Santa Fe. We engage in countless hours of work before and during each session analyzing pieces of legislation, promoting key priority bills, testifying in legislative hearings for or against various proposals, meeting and collaborating with partners and stakeholders, lobbying decision makers on matters of importance to the business community, and reporting regularly to you — our investors — about the activities and decisions being made in the Roundhouse. This is challenging and difficult work, and we endure plenty of obstacles each session. However, despite the difficulties we encounter, the Chamber has remained a high-profile, steadfast, and persistent advocate for business interests in Santa Fe, and we have achieved a number of critical successes through the years on matters ranging from public safety and criminal justice to education reform and economic development.

As you turn the pages of this annual publication, you will read about some of the accomplishments that were made in various policy areas during the 2018 legislative session (a 30-day session). Of course, no session generates perfect outcomes, and the 2018 session was no exception. There are always pieces of legislation that pass both Chambers, which we wish did not pass; similarly, there are also always good ideas that are left stranded and tabled in a legislative committee.

In 2017, an incredibly contentious budget environment during a time of declining state government revenues led to a rather unproductive session — and ultimately, to a special session to resolve differences on the state budget just a few months later. This year, however, we saw much more bipartisan cooperation on various important issues and can look back with satisfaction — and some celebration — on the achievement of several critical policy goals.

As you read on, you will notice that the Chamber's work is largely focused on four key areas: responsible budgeting and infrastructure spending; reducing crime and improving public safety; reforming education to improve student achievement and success; and growing New Mexico's economy and job opportunities. We hope you will be encouraged by the collaboration and progress that occurred in several of these areas, while also acknowledging that a tremendous amount of work remains to be done. If you are not already involved in helping the Chamber continue to advocate for future change, we welcome you to join us. Your voice certainly makes a difference.

We extend our deepest thanks to you — our Investors — for making our legislative advocacy work possible. It is truly an honor and pleasure to represent the business community at the State Capitol.



## LEGISLATIVE TEAM

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**Meg Meister**, *Chairman of the Board*

**Terri L. Cole**, *President/CEO*

**Pat Vincent-Collawn**, *Chairman-elect and Chair, Public Safety Bold Issues Group (BIG)*

**Tom Antram**, *Immediate Past Chairman*

**Sherman McCorkle**, *Vice Chair, Bold Issues Groups (BIGs)*

**Jeremiah Ritchie**, *Legislative Committee*

**JD Bullington**, *Lobbyist*

**Jacqueline Christensen**, *Lobbyist*

**Marc Christensen**, *Lobbyist*



## LEGISLATIVE COMMUNICATION

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*d*uring the legislative session, the Chamber provides its members with daily recaps and breaking news updates through the “Legislative Roundup” – a highly popular, must-read for anyone who wants to stay in-the-know about the latest Roundhouse developments and how they impact the business community.





# crime

*a* community that is perceived to be unsafe will have difficulty growing economically. Companies looking to relocate will often avoid high-crime communities, and a prevalence of crime can drive up costs for local businesses and delay hiring and expansion decisions. Albuquerque is in the midst of a prolonged and persistent spike in both property and violent crime; in order to address it, justice system agencies need to collaborate better and be given the tools and resources necessary to ensure that the apprehension and punishment of those who commit crimes is swift and certain. Among other initiatives, the Chamber pushed for increased state spending for all justice system agencies. In particular, the Chamber helped secure a sizeable expansion in funding for the Bernalillo County District Attorney's Office to implement new intelligence-driven prosecution efforts, like establishing a Crime Strategies Unit to identify criminal networks and cripple them, and hire more prosecutors to handle the roughly 25,000 case referrals received by the D.A.'s Office each year. All in all, this is a policy category where more progress was made than we anticipated at the start of the session, though more work certainly remains to be done to improve public safety and justice system operations going forward.



Second Judicial District Attorney Raul Torrez, alongside Carla Martinez, answers questions during a hearing in front of the Senate Finance Committee in Santa Fe on Tuesday, January 23, 2018. Torrez asked for a \$5.4 million increase in his office's budget for the coming fiscal year.

## HB19:

### Increase Penalty for Felon with a Firearm — Rep. Gentry

This bill increases the penalty for a felon in possession of a firearm from a fourth- to a third-degree felony under the Criminal Sentencing Act. It applies if the individual has been previously convicted of a serious and violent offense and the court specifically finds that the prior act meets the legal criteria that there are substantial and compelling reasons to impose the third degree sentence.

The Chamber **supported** this bill believing that there is no reason for a convicted felon to be in possession of a firearm. Given the increasing crime rate, especially among repeat offenders, there must be a return to prison and sentencing enhancement for this action.

In an unusual bi-partisan effort led by Speaker Egolf and Minority Leader Gentry, five bills addressing crime were rolled together as a "package" in House Judiciary to be voted on as a group in succeeding committees and on the floors of the House and Senate. Those bills were HB19 (Gentry), HB215 (Adkins), HB217 (Ely/Gentry), HB266 (Thomson) and HB271 (Maestas). The five bills are listed in this section.

HB 19, et al. House Vote: 66-1

HB19, et al. Senate Vote: 32-2

House concurred with Senate amendments

Final Action: Signed by Governor

**DONE**

## HB33:

### Time Limit Extended for Crime Prosecution — Rep. Rehm

This bill amends the Criminal Code to remove the statutory time limitation for commencing prosecution for the crimes of murder in the second degree and for capital felonies or first-degree violent felonies. The time to prosecute murder in the second degree shall have no time limit in which to begin prosecution.

The Chamber **supported** this legislation because we feel that offenders should not be able to "run out the clock" on their prosecution via a statute of limitations after committing serious crimes, like murder. Those who have committed a crime like 2nd degree murder should be able to be charged whenever law enforcement has the evidence necessary to identify them as a suspect and the probable cause to make an arrest.

HB33 House Vote: 64-0

HB33 Senate Vote: Died in Senate Judiciary

**TRY AGAIN!**

## HB52:

### Auto Recyclers Reporting — Rep. Youngblood/Rep. Morales

This bill would require auto recyclers, prior to taking possession of a vehicle, to verify with the state Tax and Revenue Department (TRD) through its electronic system whether the vehicle has been reported stolen. Within 48 hours of the close of business on the day a vehicle is purchased, an auto recycler must report electronically to TRD all relevant data regarding the vehicle and the purchaser.

The Chamber **supported** this proposed legislation. The continuing and significant rise in auto thefts in Albuquerque, Bernalillo County, and throughout the state makes it absolutely necessary that we address this issue using a variety of approaches. This particular strategy has been successful in other states in reducing auto theft.

**HB52 House Vote: 66-0**

**HB52 Senate Vote: 36-1**

**Final Action: Signed by Governor**

**DONE**

## HB54:

### Increasing Penalties for Certain DWI Convictions — Rep. Lewis

This proposed legislation would increase penalties for DWI including habitual offenders, those driving with a suspended license for homicide or great bodily harm, habitual offenders, offenders driving under a suspended or revoked license, and homicide and great bodily harm by vehicle.

The Chamber **supported** this proposed legislation. It has become clear that for multiple offenders, treatment programs are not enough. In the interest of safety for those on our roads, multiple offenders must serve longer incarceration terms.

**HB54 House Vote: Died in House Judiciary**

**TRY AGAIN!**

## HB71:

### Amending DWI Requirements for Testing Blood — Rep. Maestas Barnes

This bill would allow a municipal, magistrate or district judge to issue a search warrant if a driver refuses a blood test. The warrant would be based on a law enforcement officer's affidavit concerning probable cause that the person was driving under the influence. The affidavit would no longer require the officer to allege that the person caused death or great bodily harm to another person or that the person was committing a felony while under the influence.

The Chamber **supported** this bill believing current language is too restrictive. We need to ensure that all possible options are available to require that an individual driving erratically be tested for alcohol or drug consumption.

**HB71 House Vote: 66-0**

**HB71 Senate Vote: Died in Senate Judiciary**

**TRY AGAIN!**

## HB100:

### Child Abuse Penalties — Rep. Maestas Barnes

This bill would make the penalty for the intentional abuse of a child 12-18 years of age, resulting in the death of that child, a first-degree felony punishable by a maximum penalty of life in prison. The current penalty for this crime is first-degree felony with a maximum of 18 years imprisonment.

The Chamber **supported** this proposed legislation. Currently, the law allows for life imprisonment for the intentional abuse of a child (resulting in death) under the age of 12. However, the maximum sentence for the intentional abuse of a child (resulting in death) from age 12 to 18 is only a maximum sentence of 18 years. This is an arbitrary age distinction, and the penalty should be the same, regarding the age of the child.

**HB100 House Vote: 62-6**

**HB100 Senate Vote: Died in Senate Judiciary**

**TRY AGAIN!**

## HB112:

### Second-Degree Murder Mandatory Minimum Sentences — Rep. Maestas

This bill sets up a mandatory minimum sentence for second-degree murder by increasing the penalty for attempted second-degree murder to a minimum of nine years and increases the penalty for a second-degree felony resulting in death to 15 to 18 years in prison.

The Chamber **supported** this bill. These crimes are particularly heinous and the perpetrators should have to serve minimum sentences. Protecting innocent people requires that we remove these perpetrators from society.

**HB 112 House Vote: 66-0**

**HB 112 Senate Vote: Died in Senate Judiciary**

**TRY AGAIN!**

## HB115:

### No Statute of Limitations for Prosecution of Second-Degree Murder — Rep. Maestas

This proposed legislation specifies that the crimes of second-degree murder with capital felonies and first-degree violent felonies are not subject to a statute of limitations. This bill was substituted in House Consumer and Public Affairs by HB33.

The Chamber **supported** this legislation because we feel that offenders should not be able to “run out the clock” on their prosecution via a statute of limitations after committing serious crimes, like murder. Those who have committed a crime like 2nd degree murder should be able to be charged whenever law enforcement has the evidence necessary to identify them as a suspect and the probable cause to make an arrest.

**HB115 House Vote: 64-0 (as substituted by HB33)**

**HB115 Senate Vote: Died in Senate Judiciary as part of HB33**

**TRY AGAIN!**

## HB120:

### Sentencing Involving Firearms, Crimes Against Elders and Disabled — Rep. Maestas

This proposed legislation adds a sentencing enhancement when the victim is 60 years old or older or is a person with a disability who is intentionally injured during the commission of a noncapital felony. It adds three years to the firearm enhancement.

The Chamber **supported** this bill as part of the position we have taken on toughening laws addressing crimes committed with a firearm.

**HB120 House Vote: 67-0**

**HB120 Senate Vote: Died in Senate Judiciary**

**TRY AGAIN!**

Rep. Daymon Ely, D-Corrales, left, and Second District Judge Shannon Bacon, right, answer questions about an amendment to a bill intended to help deal with issues related to guardianships. This was during the House Judiciary Committee meeting at the State Capitol in Santa Fe, Monday, February 12, 2018.



Courtesy of Albuquerque Journal

## HB173:

### Automobile Theft Prevention Authority — Rep. Rehm

This bill would create an Automobile Theft Prevention Authority in the Office of the Superintendent of Insurance to be governed by a nine-member board of directors. Their responsibility would be to oversee grant applications and awards to law enforcement agencies for automobile theft prevention, enforcement or prosecution programs.

The Chamber **supported** this proposed legislation. It provides an additional tool to address the huge numbers of auto thefts occurring in Albuquerque, Bernalillo County and other jurisdictions throughout the state.

**HB173 House Vote: 68-0**

**HB173 Senate Vote: 40-0**

**Final Action: Signed by Governor**

**DONE**

## HB215:

### Law Enforcement Protection Fund for Retention of Officers — Rep. Adkins

This bill states that a law enforcement agency with a staffing vacancy rate of at least 10 percent may retain officers who are certified under the Law Enforcement Training Act, have at least 20 years of actual service credit working for the requesting agency under a municipal police member coverage plan per PERA and have primarily performed patrol duties and were not previous recipients of a retention payment under this provision. See HB19 (part of a five-bill package created in House Judiciary that must be voted on as a package).

The Chamber **supported** this bill given the extreme shortage of police officers and the need to retain those officers who are nearing retirement to increase the number of police officers on the street.

**HB215 House Vote: 66-1 (as part of five bill package-see HB19)**

**HB 215 Senate Vote: 32-2 (as part of a five bill package-see HB19)**

**Final Action: Signed by Governor**

**DONE**



Courtesy of Albuquerque Journal

Sen. Pete Campos, D-Las Vegas, looks at a graph provided by Chief Justice Judith Nakamura that shows several reasons behind Albuquerque's increase in crime. This was during the Senate Finance Committee meeting in Santa Fe, Thursday, January 18, 2018.

“Again, I am amazed by the energy and effectiveness of Terri and all of the Chamber’s staff and supporters who were in the trenches at this year’s legislative session. Also, I appreciate Terri’s daily legislative summaries because we as legislators are unable to attend all of the committee hearings. Good job!”

— Representative Jim Dines, R-Bernalillo



## HB217:

### Use Medicaid to Reduce Recidivism — Rep. Ely

This proposed legislation calls for the creation of Recidivism Reduction Transition Programs by correctional facilities and requires that they coordinate with one another and the Human Services Department to increase the enrollment of prisoners in Medicaid-funded services, including behavioral health programs. See HB19 (part of a five-bill package created in House Judiciary that must be voted on as a package).

The Chamber **supported** this bill believing that access to these services will be helpful in reducing recidivism and assisting prisoners' transition back into the community.

**HB217 House Vote: 66-1 (as part of a five bill package-see HB19)**

**HB217 Senate Vote: 32-2 (as part of a five bill package-see HB19)**

**Final Action: Signed by Governor**

**DONE**

## HB243:

### Criminalizes Assault and Battery on a CYFD Public Service Worker — Rep. Youngblood

This bill criminalizes assaulting a public service worker for the Children, Youth and Families Department who is engaged in the lawful discharge of his or her duties and establishes penalties.

The Chamber **supported** this bill. CYFD workers are valued service employees who are often at risk while performing their duties. It is critical that we ensure they are protected from assault or battery while they are on duty. They provide critical services to our communities often at great risk to their own personal safety.

**HB243 House Vote: Died in House Judiciary**

**TRY AGAIN!**

## HB266:

### Stiffer Interlock Device Removal Requirements — Rep. Thomson

This bill would require that two additional requirements must be met in addition to the existing four requirements before the device can be removed. They are: a) evidence that the ignition interlock device has recorded no more than two tests at a greater level than 0.05 alcohol during the six months prior to reinstatement of the unrestricted driver's license and b) evidence of at least one ignition interlock test during each of 24 weeks during the six months. See HB19 (part of a five-bill package created in House Judiciary that must be voted on as a package.)

The Chamber **supported** strengthening DWI laws to further ensure the safety of New Mexico drivers and their families. DWI continues to be a significant problem in our state.

**HB226 House Vote: 66-1 (as part of a five bill package-see HB19)**

**HB266 Senate Vote: 32-2 (as part of a five bill package-see HB19)**

**Final Action: Signed by Governor**

**DONE**

## HB271:

### Penalty Assessment Misdemeanor Changes — Rep. Maestas

This bill specifies penalty assessments for violation of a number of misdemeanors.

The Chamber **supported** this legislation as it sets realistic penalties for misdemeanor violations which would help reduce the workload of the Judiciary system allowing them to focus their attention on more serious crimes. See HB19 (part of a five-bill package created in House Judiciary that must be voted on as a package.)

**HB271 House Vote: 66-1 (as part of a five bill package-see HB19)**

**HB271 Senate Vote: 32-2 (as part of a five bill package-see HB19)**

**Final Action: Signed by Governor**

**\*Governor Martinez line-item vetoed portions of HB271 as contained within the five bill crime package.**

**DONE**



Courtesy of Albuquerque Journal

Gov. Susana Martinez presents State Police Officer Dwayne Simpson, from Farmington, with his badge that deflected a bullet during a shooting incident. Martinez honored Simpson during her State of the State address before a joint session of the House and Senate in Santa Fe, Tuesday, January 15, 2018.

## HB281:

### Establishes Permanent “No Contact” Orders For Convicted Sex Offenders — Rep. Maestas Barnes

This proposed legislation would authorize a judge sentencing a convicted sex offender to determine whether to issue a permanent no contact order to protect his/her victim. This bill provides for the victim’s right to be heard with regard to the order and requires an offender who opposes the order to show cause why it should not be issued.

The Chamber **supported** this bill. It allows for the greater protection of sex offense victims and authorizes a peace officer to arrest without warrant and take into custody an offender if there is probable cause to believe the offender has violated the no contact order.

**HB281 House Vote: Died in House Judiciary**

**TRY AGAIN!**

## HB296:

### Reckless Abuse and Abandonment of a Child — Rep. Maestas

This bill would amend the child abuse section of the Criminal Code by removing the definitions of “neglect” and “negligently” as well as removing the crime of child abandonment. In its place, it would create the crimes of reckless abuse of a child and intentional abuse of a child.

The Chamber **supported** this proposed legislation to ensure that those who recklessly disregard the safety of a child or who intentionally abuse a child will face stiffer penalties.

**HB296 House Vote: Died in House Appropriations**

**TRY AGAIN!**

## HJM16:

### Justice and Public Safety Planning Task Force — Rep. Ely

This joint memorial requests the Chief Justice of the New Mexico Supreme Court to convene a Task Force of legislative, judicial, executive branch and community representatives to identify key issues within the state’s criminal justice and public safety system and to develop a strategic plan with measurable outcomes to address those concerns.

The Chamber **supported** this memorial. It is clear that we must address the rising crime issues throughout the state. This can only be done successfully if all the stakeholders including the courts, public safety officials, legislators and community representatives work together to identify what the problems and impediments are and how we can fix them.

**HJM16 House Vote: 66-0**

**HJM 16 Senate Vote: 39-0**

**Final Action: Signed by officers of the House and Senate in open session**

**DONE**

## HJR2:

### C. A. Permanent Funds Distribution for Criminal Justice — Rep. Ely

This proposed constitutional amendment would provide for a one-half percent distribution of the Land Grant Permanent Fund's average value if the fund's value is above a minimum threshold for yearly distributions to be used only for criminal justice and public safety.

The Chamber **opposed** the proposed constitutional amendment believing that the permanent funds should not be raided for any purpose other than that in the Constitution.

**HJR2 House Vote: Died in House Local Government Committee**

**DONE**

## HJR3:

### C. A. Severance Funds Distribution for Criminal Justice — Rep. Ely

This proposed constitutional amendment would provide for a one-half half percent distribution of the Severance Tax Permanent Fund if the value is above a minimum threshold to be used only for criminal justice and public safety purposes specifically provided by law to fund.

The Chamber **opposed** the proposed constitutional amendment believing that the severance tax funds should not be raided for any purpose other than that in the constitution.

**HJR3 House Vote: Died in House Local Government Committee**

**DONE**

## SB24:

### Auto Recycler Reporting — Sen. Morales

This bill would require auto recyclers, prior to taking possession of a vehicle, to verify with the state Tax and Revenue Department (TRD) through its electronic system whether the vehicle has been reported stolen. Within 48 hours of the close of business on the day a vehicle is purchased, an auto recycler must report electronically to TRD all relevant data regarding the vehicle and the purchaser.

The Chamber **supported** this proposed legislation. The continuing and significant rise in auto thefts in Albuquerque, Bernalillo County, and throughout the state makes it absolutely necessary that we address this issue using a variety of approaches. This particular strategy has been successful in other states in reducing auto theft.

**SB24 Senate Vote: 38-2**

**SB24 House Vote: 62-1**

**Final Action: Pocket vetoed (Identical to HB52 signed by Governor)**

**DONE**

## SB26:

### DWI Testing Requirements — Sen. Ivey Soto

This bill would allow a municipal, magistrate or district judge to issue a search warrant if a driver refuses a blood test. The warrant would be based on a law enforcement officer's affidavit concerning probable cause that the person was driving under the influence. The affidavit would no longer require the officer to allege that the person caused death or great bodily harm to another person or that the person was committing a felony while under the influence.

The Chamber **supported** this bill believing current language is too restrictive. We need to ensure that all possible options are available to require that an individual driving erratically be tested for alcohol or drug consumption.

**SB26 Senate Vote: Died in Senate Judiciary**

**TRY AGAIN!**

“The legislative process works best when constituents and organizations like the Albuquerque Chamber are engaged and make their voices heard on issues they care about. In 2016 the Chamber was instrumental in passing bail reform, a constitutional amendment Chief Justice Nakamura has called the most significant improvement in our justice system in the history of the state. I appreciate the Chamber's involvement again this year in supporting legislation to help prevent car theft, an issue plaguing our metro areas.”

— Senator Peter Wirth, Majority Floor Leader, D-Santa Fe

## SB38:

### Assault and Battery upon a CYFD Public Service Worker — Sen. Morales

This bill criminalizes assaulting a public service worker for the Children, Youth and Families Department who is engaged in the lawful discharge of his or her duties and establishes penalties.

The Chamber **supported** this bill. CYFD workers are valued service employees who are often at risk while performing their duties. It is critical that we ensure they are protected from assault or battery while they are on duty. They provide critical services to our communities often at great risk to their own personal safety.

**SB38 Senate Vote: Died in Senate Judiciary**

**TRY  
AGAIN!**

## SB96:

### Penalties For Crimes Against Children — Sen. Baca

This bill increases penalties for abuse resulting in the death of a child as well as provisions for negligent and intentional abuse of a child. It also increases the age range for the crime of enticement of a child, and sets a penalty for electronic communication of images of any person's intimate parts to a child.

The Chamber **supported** this legislation. We believe that any abuse of a child whether negligent or intentional must be punished, as must sexual enticement or exposure to sexual images. As a society we are obligated to protect children.

**SB96 Senate Vote: Died in Senate Judiciary**

**TRY  
AGAIN!**



Courtesy of Albuquerque Journal

Rep. Sarah Maestas Barnes, R-Albuquerque, left, with Sec. of CYFD Monique Jacobson, right, presents her bill to expand the Baby Brianna Law to the House Consumer and Public Affairs Committee, in Santa Fe on Thursday, February 1, 2018. If the bill had passed, people who are convicted of intentional child abuse resulting in death would face a life sentence — regardless of the age of the child. Currently, this penalty only applies if the child is 12 years of age or under.

“On the policy issues that are of utmost importance to me, the Greater Albuquerque Chamber of Commerce was critical in providing bipartisan support to protect key services for thousands of New Mexicans struggling with mental health issues. Time and again, the Chamber made immense contributions during the policy-making process of our state to improve the lives of residents and communities, and to strengthen our economic well-being. They set the standard for effective advocacy.”

— Senator Mary Kay Papen, Pro Tem, D-Dona Ana



**n**ew Mexico is emerging from the steepest crash in energy prices in state history, which led to a dramatic drop in virtually every government revenue stream. However, despite the improving revenue picture, lawmakers and the Governor remain very concerned about the lack of diversification in New Mexico's economy, which makes government revenues more volatile than other states. Our state's economic base is still too narrow, depending excessively on the oil and gas industry and federal government spending. Fortunately, positive strides have been made in recent years to give economic development officials the tools they need to recruit new companies from broader sectors, as well as support local businesses when they decide to add new employees or invest in infrastructure to expand. For example, numerous California manufacturing and logistics companies have moved to our southern border due, in part, to these programs. In addition, Facebook would likely not have chosen New Mexico for its massive data center operation without them either; over 1,000 workers per day are expected to be engaged in the construction of the Facebook facility until 2023! Ensuring stable and consistent funding for these economic growth incentives is critical to businesses that are planning new capital investments; pulling the proverbial rug out from underneath them would certainly hamper future economic development and growth. Sadly, during the 2018 session, no significant progress was made in bolstering our state's economic development tools and programs.

# economy



Lt. Gov. John Sanchez gavels the end of the session on the Senate Floor of the Roundhouse in Santa Fe, Thursday, February 15, 2018. This was Sanchez's last regular session as Lt. Governor.

## HB38:

### Wireless Consumer Advanced Infrastructure Investment Act — Rep. Smith

This bill provides for rules and procedures whereby wireless service providers may obtain use of rights-of-way owned by local governments to place small wireless equipment necessary for the service. The bill was amended in House Labor to set some limitations.

The Chamber **supported** this legislation because it provides the means by which wireless providers working with local governments can improve service to their customers.

**HB38 House Vote: 54-10**

**HB38 Senate Vote: 34-3**

**Final Action: Signed by Governor**

**DONE**

## HB46:

### Vehicle Recalls: Unlawful Acts and Duties of Manufacturer to Dealer — Rep. Rodella

This legislation provides protection for car dealerships from manufacturers related to compensation, repairs, recall situations, "do not drive" orders and "stop sale" orders. It identifies five specific actions on the part of manufacturers or their representatives against car dealerships as illegal.

The Chamber **supported** this legislation. Unfair practices on the part of manufacturers against local dealerships are both wrong and illegal and should be addressed.

**HB46 House Vote: 66-0**

**HB46 Senate Vote: 39-0**

**Final Action: Pocket Vetoed (SB27, identical companion legislation, was signed by the Governor))**

**DONE**

## HB80:

### Energy Redevelopment Bonds — Rep. Gonzales

This bill would provide for the issuance of a series of 25-year bonds to finance or refinance energy redevelopment costs associated with the closure of PNM's coal-fired generating plant in San Juan County. A portion of the bond funds will be used for San Juan County redevelopment.

The Chamber **supported** this legislation because it provides a path forward to renewable energy and helps San Juan County economically make this transition.

**HB80 House Vote: Never heard in Committee**

**TRY  
AGAIN!**

## HB128:

### Tax Deduction for Broadband Network Facilities Components — Rep. C. Trujillo

This bill would provide for a gross receipts deduction for receipts from selling or leasing broadband telecommunications network facilities components. It would also provide a deduction from compensating tax for components used in the state.

The Chamber **supported** this proposed legislation as the tax deduction would help promote the deployment of broadband telecommunications services in New Mexico.

**HB128 House Vote: 59-7**

**HB128 Senate Vote: Died in Senate Finance**

**TRY  
AGAIN!**

## HB194:

### Alternative Evidence to Support Gross Receipts Deductions — Rep. Harper

This proposed legislation provides for alternative evidence to be submitted in lieu of a nontaxable transaction certification to support a claim of any gross receipts deduction with one exception. However, a properly executed nontaxable transaction certificate (NTTC) remains conclusive evidence of entitlement to a deduction.

The Chamber **supported** this bill as it provides an alternative method of applying for a gross receipts deduction which is important to small businesses.

**HB194 House Vote: 67-0**

**HB191 Senate Vote: 38-0**

**Final Action: Signed by Governor**

**DONE**



Courtesy of Albuquerque Journal

Sen. Majority Floor Leader Peter Wirth, D-Santa Fe, congratulates Rep. Nick Salazar, D-Ohkay Owingeh, after the Senate honored Salazar in their chambers in Santa Fe Tuesday, February 6, 2018. Rep. Salazar will retire this year after 46 years of service in the House of Representatives.

## HB200:

### Modifying the High-Wage Jobs Tax Credit — Rep. C. Trujillo

This bill re-specifies the maximum amount of credit, doubles from four to eight the number of consecutive qualifying periods a single high-wage job tax credit may run, strikes the TRD's 180-day time limit for making a determination on application for the credit and deletes the mandatory five-year wait from the end of one high-wage jobs tax credit until the credit-receiver may apply for another.

The Chamber **supported** this legislation as it would have made it easier for employers to obtain the tax credit.

**HB200 House Vote: 64-0**

**HB200 Senate Vote: Died in Senate Finance**

**TRY  
AGAIN!**

## HJM5:

### Workers' Compensation System Study — Rep. Crowder

This non-binding memorial would have required the Workers' Compensation Administration Commission to conduct an independent study in 2018 and every five years (or less) thereafter. The focus would be to review other states' workers' compensation trends and initiatives and develop recommendations for improving the system used in New Mexico.

The Chamber **supported** this joint resolution. It identified three specific areas of concern for immediate study: return-to-work issues, opiate-use issues, and the effects of post-traumatic stress disorder claims.

**HJM5 House Vote: Died in House Labor Committee**

**TRY  
AGAIN!**

## SB1:

### Nurse Licensure Compact — Sen. Ingle

The updated compact addresses the expanded mobility and new practice modalities in the nursing profession. It provides for uniformity of nurse licensure requirements as well as provides opportunities for interstate practice by nurses who meet the uniform licensure requirements.

The Chamber **supported** this bill. Given the nursing shortage in New Mexico, the compact allows nurses licensed in other states that also belong to the Compact to practice in New Mexico.

**SB1 Senate Vote: Do Pass 39-0**

**SB1 House Vote: Do Pass 60-0**

**Final Action: Signed by Governor**

**DONE**

## SB14:

### Wireless Consumer Advanced Infrastructure Investment Act — Sen. Candelaria

This bill provides for rules and procedures whereby wireless service providers may obtain use of rights-of-way owned by local governments to place small wireless equipment necessary for the service. The bill was amended in House Labor to set some limitations.

The Chamber **supported** this legislation because it provides the means by which wireless providers working with local governments can improve service to their customers.

**SB14 Senate Vote: 34-3**

**SB14 House Vote: 65-2**

**Final Action: Signed by Governor**

**DONE**

“The Greater Albuquerque Chamber of Commerce continues to be a key ally in the fight to make New Mexico more competitive for jobs and investment. The GACC has steadfastly supported and advanced our efforts to cut taxes, streamline regulations, and protect taxpayer dollars. Through these efforts, we've closed the largest budget deficit in state history, weathered a historic downturn in the energy sector, and left our state with strong cash reserves — all while creating tens of thousands of new private-sector jobs. I look forward to continuing to work with the GACC as we keep growing and diversifying New Mexico's economy.”

— Governor Susana Martinez

# economy

## SB27:

### Car Dealership Changes — Sen. C. Sanchez

This legislation provides protection for car dealerships from manufacturers related to compensation, repairs, recall situations, “do not drive” orders and “stop sale” orders. It identifies five specific actions on the part of manufacturers or their representatives against car dealerships as illegal.

The Chamber **supported** this legislation. Unfair practices on the part of manufacturers against local dealerships are both wrong and illegal and should be addressed.

**SB27 Senate Vote: 39-0**

**SB27 House Vote: 66-0**

**Final Action: Signed by Governor**

**DONE**

## SB47:

### Energy Redevelopment Bond Act — Sen. Candelaria / Rep. Montoya

The bill would provide for the issuance of a series of 25-year bonds to finance or refinance energy redevelopment costs associated with the closure of PNM's coal-fired generating plant in San Juan County. A portion of the bond funds will be used for San Juan County redevelopment.

The Chamber **supported** this legislation because it provides a path forward to renewable energy and helps San Juan County economically make this transition.

**SB47 Senate Vote: Tabled in Senate Conservation**

**TRY AGAIN!**

## SB95:

### Metropolitan Redevelopment Code — Sen. Cisneros / Rep. Dow

Currently, only Bernalillo County and Los Alamos County are able to use the Metropolitan Redevelopment Act (MRA). This bill would include all New Mexico counties. Additionally, the bill would expand the purposes for which the Act can be used to include creative enterprises such as the arts and culture.

The Chamber **supported** this bill believing that all counties should be able to participate in using this economic development tool.

**SB95 Senate Vote: 40-0**

**SB95 House Vote: 65-0**

**Final Action: Signed by Governor**

**DONE**



Sen. John Pinto, D-Gallup, gives newly appointed Senate Majority Whip Mimi Stewart, D-Albuquerque, a thumbs up at the start of the 2018 Legislative Session in Santa Fe, Tuesday, January 15, 2018.



## SB98:

### Commercial Aerospace Protection Act — Sen. Burt

This bill would exempt from the Inspection of Public Records Act all cybersecurity records of the Spaceport Authority related to computer/data storage systems, advanced instruments, cyber-vulnerability assessments and spaceport technology as well as the actual physical information security of the Spaceport. It would also protect customer information to include the protection of trade secrets or customer information that would adversely affect proprietary interests.

The Chamber **supported** this bill. If information related to the above detailed items is not protected, the Spaceport could lose existing clients as well as be unable to attract new clients to the detriment of our state.

**SB98 Senate Vote: 35-5**

**SB98 House Vote: 63-1**

**Senate concurred with House amendments**

**Final Action: Signed by Governor**

**DONE**

## SB151:

### Enhanced Enterprise Zone Act — Sen. Ivey-Soto

This bill would enact the Enhanced Enterprise Zone Act, which if passed would encourage economic development in economically depressed areas of municipalities or counties by abating property taxes.

The Chamber **supported** this proposed legislation as it provides a significant tool to encourage development in economically depressed areas to the benefit of the community as a whole.

**SB151 Senate Vote: Died in Senate Judiciary**

**TRY AGAIN!**

## SB206:

### Minimum Wage Increase — Sen. George Munoz

This bill would raise the minimum wage from \$7.50 to \$9.00 an hour. For tipped employees making more than \$30 a month in tips the wage shall be \$2.63 an hour.

The Chamber **opposed** this bill. Mandating higher wages can often lead to greater unemployment – particularly for entry-level and lower-wage positions. It can also lead to increased prices for goods and services, which often defeats the intent of the legislation.

**SB206 Senate Vote: Died on the Senate Floor**

**DONE**

## SJR4:

### Conditional Legalization of Marijuana in New Mexico — Sen. Ortiz y Pino

This Constitutional Amendment would legalize possession and use of marijuana by persons aged 21 or older upon the Legislature meeting certain criteria regarding the production, processing, transportation, sale, taxation and acceptable quantities and places of use to protect public health and safety.

The Chamber **opposed** legalizing marijuana through a C.A. This is not an issue that should be embedded in the Constitution. An extremely complex issue such as this should be dealt with by the Legislature and the Governor.

**Senate Vote: Died in Senate Judiciary**

**DONE**

“Terri Cole and the Greater Albuquerque Chamber of Commerce are tremendous assets to the legislative process during the session. Crucial testimony is presented before committees that helps promote important legislation. The Chamber represents the business community in New Mexico well. As a legislator, I’m grateful for the contribution.”

— Senator Carlos Cisneros, D-Los Alamos, Rio Arriba, Santa Fe and Taos



Courtesy of Albuquerque Journal

From left, Sen. John Arthur Smith, D-Deming, Sen. Steven Neville, R-Aztec, and Rep. Larry Larranaga, R-Albuquerque, talk after they and other members of an appointed conference committee of House and Senate members, smoothed out the differences in the two Chambers' appropriations bills. The meeting was held at the Roundhouse in Santa Fe, Wednesday, February 14, 2018.

Gov. Susana Martinez holds her annual news conference after the close of the 2018 regular session outside her office at the State Capitol in Santa Fe, Thursday, February 15, 2018. The 30-day session ended mostly on a bipartisan tone.



Courtesy of Albuquerque Journal



Courtesy of Albuquerque Journal

Chief Justice Judith Nakamura testifies about the New Mexico Courts' needs during a Senate Finance Committee meeting in Santa Fe, Thursday, January 18, 2018.

**i**n a recent opinion piece, former US Education Secretaries Arne Duncan (Obama Admin) and Margaret Spellings (Bush Admin) diagnosed the problem with our nation's education system this way: "Students are suffering because of an absence of vision, a failure of will and politics that values opposition over progress." These words reflect our experience in dealing with the Legislature on education matters as well. Simply put, too many of our children do not achieve their greatest potential in life — and often fall far short of it — because they didn't learn the basics at an early age. In New Mexico, we have seen academic improvement in school districts that embrace higher standards for our kids and education reforms, but sadly, we see stagnation and even regression in academic achievement among students in districts that continually refuse to change. Rewarding outstanding teachers, investing in early reading programs, reducing school district overhead costs in order to put more money into the classroom, and fighting truancy are key initiatives deserving support. While some of these efforts — and other education reform programs — were funded through the budget during the 2018 session, most positive education reform legislation was bottled up in legislative committees and killed — often at the behest of education unions. Overall, despite more positive marks on how it handles education spending, the Legislature deserves an "F" grade for its handling of education legislation. There is much work to be done to fundamentally improve our education system. A well-educated workforce is a key building block of a strong economy and part of the path to reducing poverty. As a state, we are far from our goals in this area.

# education



Courtesy of Albuquerque Journal

New Mexico Education Secretary Christopher Ruszkowski, center, with Sunny Liu, left, a fiscal analyst for the Legislative Finance Committee, and Nina Caranco, the principal executive budget analyst for the Department of Finance and Administration, answer questions about their budget during a joint meeting of the House and Senate education committees. This was at the State Capitol in Santa Fe, Friday, January 19, 2018.

## HB180:

### Public School Advanced Data Collection System — Rep. Larranaga / Rep. Gonzales

This bill would amend the Public School Code to require the Public Education Department (PED) to design and implement an advanced data system to provide current information for school districts/charters showing results in cost savings that would support financial accountability. The intent is to identify savings in administrative costs so that money saved can be used in the actual classrooms.

The Chamber **supported** this bill. We believe that the more money that can be spent in the classroom, the better education New Mexico's children will receive.

**HB180 House Vote: Died In House Education Committee (first hearing)**



## HB 210:

### Reading Improvement and Remediation — Rep. Youngblood

This bill would provide for reading improvement and remediation for public school students who are not reading or otherwise academically proficient in grades K through eight. Options to help students who are not doing well based on K-3 reading assessments include notification to parents, reading improvement plans, remediation and voluntary retention for one year to help students catch up.

The Chamber has **supported** this approach for years. Students who cannot read at grade level in the first years of school are more likely to fall further and further behind and eventually drop out.

**HB210 House Vote: Died in House Education Committee (first hearing)**



## **HB219:**

### **Public School Adjunct Instructors Pilot Project — Rep. Youngblood**

This bill would create a five-year secondary school Adjunct Instructor pilot project to permit districts and charter schools to contract with non-licensed persons who have subject matter expertise to teach in secondary schools rated A or B. This would determine that using subject-matter experts is beneficial.

For many years, the Chamber has **supported** using qualified subject matter experts as Adjunct teachers. Many smaller districts cannot provide licensed teachers in certain subject matters especially in the sciences. This pilot program would allow those districts to ensure a better education for our children.

**HB219 House Vote: Died in House State Government Committee (first hearing)**

**TRY  
AGAIN!**

## **HB297:**

### **Chronic Absenteeism, Intervention and Driver's License Revocation — Rep. Ruiloba**

This bill would amend the Compulsory Attendance Law to provide earlier, more intensive intervention for absent or chronically absent students. It would establish a process that begins with intervention then progresses to parental notification, followed by referral to CYFD, and then to suspension of driving privileges.

The Chamber **supported** this proposed legislation. Statistics throughout the country show that early intervention is important and effective in reducing truancy and improving graduation rates to the benefit of students.

**HB297 House Vote: Died in House State Government Committee (second hearing)**

**TRY  
AGAIN!**

## **HJR1:**

### **Constitutional Amendment to Provide Funds for Early Childhood Services — Rep. Maestas**

This proposed C. A. would allow for additional annual distributions from the Permanent Fund to be used for early childhood nonsectarian and nondenominational services and educational programs from birth until kindergarten.

The Chamber **opposed** this proposed C. A. The fiscal impact on the permanent fund would be huge and to the detriment of the growth of the fund and for K-12 education for which the Fund was originally intended. The specifics related to use of the monies would be determined after passage and, as has been suggested by supporters, would go for very early child care, post-natal care and pre-kindergarten child care despite the huge lack of certified early childhood and Pre-K providers in the state. Finally, it should be noted that the last C. A. of this nature that voters passed did nothing to improve education results and a significant amount of the money was not used as the C. A. and voters intended.

**HJR1 House Vote: 36-33**

**HJR1 Senate Vote: Died in Senate Finance Committee**

**DONE**

## **SB210:**

### **Education Trust Act Changes — Sen. Kernan**

This proposed legislation would conform New Mexico's Education Trust Act to the recent changes made to federal tax law, with respect to education savings accounts under the 529 college savings program that has been in place in New Mexico since 2001.

The Chamber **supported** this proposed legislation as it brought New Mexico into alignment as regards allowable withdrawals and their tax ramifications.

**SB210 Senate Vote: Died in Senate Education**

**TRY  
AGAIN!**

## **SB234:**

### **Public School Employee Background Checks — Sen. Ivey-Soto**

This bill would amend the Public School Personnel Act to require satisfactory clearance of a state and federal fingerprint-based criminal background check for school employees and others with unsupervised access to students.

The Chamber **supported** this bill to ensure the safety of all public schoolchildren.

**SB234 Senate Vote: Died-not heard on the Senate floor**

**TRY  
AGAIN!**



# FY2019 Budget / Infrastructure Spending

**W**hen the 2nd session of the 53rd Legislature convened, the state's fiscal position had significantly improved over the last year. A rebound in oil and gas prices and production, as well as continued economic growth in other sectors, led budget forecasters in December to estimate the state would have roughly \$200 million in "new money" to spend (or save). New money is defined as expected revenue above and beyond the current expenditures needed to fund the ongoing operations of state government. When the Consensus Revenue Estimating Group (CREG), comprised of economists from executive agencies and the Legislative Finance Committee, announced its updated revenue forecast in late January, the expected "new money" figure jumped to more than \$292 million. The Chamber pushed for a portion of this additional money to be saved in order to raise the state's reserves, and for targeted investments in education, crime-fighting and public safety, and economic development. This included increases to state police officer salaries, an expansion of home visiting and high-quality early childhood services, an increase in pre-K funding, an expansion in several specific education reform initiatives, a significant increase to the base budget of the Bernalillo County District Attorney's Office, funding for the launch of a Crime Strategies Unit in Bernalillo County, and full funding for both the Job Training Incentive Program and the state's closing fund for economic development projects.



With hundreds of bills introduced during each legislative session, it's critically important that legislators have the most up-to-date versions of bills at their fingertips. Here, a session worker updates a lawmaker's binder, a daily activity on the legislative floor.

## HB2:

### General Appropriation Act — Rep. Lundstrom

HB2 serves as the vehicle by which money is appropriated from the general fund, other revenue, internal services funds/interagency transfers, and federal funds for FY19 for the operations of state government including the Judiciary, Legislature, state agencies, higher education and public schools. This is the state budget bill.

HB2 is developed in the House Appropriations and Finance Committee. Upon passage in the House, it goes to the Senate Finance Committee where it is further amended and then to the Senate floor. Upon passage in the Senate, it is returned to the House for concurrence on the Senate amendments. If the House fails to concur, it is sent to a conference committee whereby appointed members of the House and Senate meet to work out their differences. The recommendation of the conference committee is then submitted to both chambers for a vote. On agreement by both Chambers, the budget is then sent to the Governor.

**HB2 House Vote: 65-3**

**HB2 Senate Vote: 40-2 as amended in Senate Finance**

**HB2: The House failed to concur with Senate amendments. The bill then went to a Conference Committee.**

**Both Chambers adopted the conference committee report.**

**Final Action: Signed by Governor**



## Chamber Issues Related to the Budget:

### A) Second Judicial District Attorney's Office Budget:

The budget initially passed out of the House Appropriations and Finance Committee (HAFC) did not include enough funding for the 2nd Judicial District Attorney's Office to hire the additional prosecutors it needs and effectively launch a Crime Strategies Unit. Due in large part to intensive and broad-based lobbying efforts, led by the Chamber in partnership with Governor Susana Martinez and D.A. Raul Torrez, additional funding was added to the budget bill in the Senate Finance Committee. As a result, D.A. Torrez's office will receive a \$4.2 million increase in its base budget and over \$1 million for the Crime Strategies Unit – to pay for crime analysts, investigators, and new high-tech tools designed to better connect crimes and criminals to one another and cripple crime networks. The Chamber has been a strong **supporter** of intelligence-driven policing and prosecution initiatives, which are designed to better differentiate offenders and allocate resources and personnel toward aggressively prosecuting those who are causing the most (and the most serious) crime in our community.

# FY2019 Budget / Infrastructure Spending

## B) Education Reform Initiatives and Early Childhood Spending

For several years, the Chamber has strongly **supported** the Public Education Department's efforts to launch and fund targeted reform initiatives designed to turn around struggling schools, help children read at an early age, support struggling teachers and reward the most effective teachers, provide additional tutoring in the summer to kids who are falling behind, increase participation in advanced placement courses, and combat truancy. Generally speaking, these initiatives are not funded through the state's "equalization formula," which provides the vast majority of operational funding to New Mexico schools; rather, these initiatives are often competitive in nature and designed to help districts that are committed to student-centered reform and improved student achievement.

The table below shows that the Legislature funded many of these targeted reform initiatives during the 2018 session.

	<i><b>PED REQUEST</b></i>	<i><b>HB2</b></i>
K- 3 Plus Fund . . . . .	\$24 Million . . . . .	\$30.2 Million
Pre-K . . . . .	\$25 Million . . . . .	\$32.5 Million
Early Literacy . . . . .	\$9.137 Million . . . . .	\$8.83 Million
STEM . . . . .	\$3 Million . . . . .	\$3 Million
College Prep / Dropout Prevention . . . . .	\$1.5 Million . . . . .	\$1.5 Million
NM Teach Evaluation . . . . .	\$2.5 Million . . . . .	\$2 Million
Interventions/Support for Students, Teachers, struggling schools and parents . . . . .	\$15 Million . . . . .	\$4 Million
Advanced Placement . . . . .	\$825,000 . . . . .	\$1 Million
<hr/>		
TOTALS . . . . .	\$80.962 Million . . . . .	\$83.03 Million

## C) Children, Youth and Family Department Funding Requests:

The Children, Youth and Families Department (CYFD) received more than \$33 million in fiscal year 19 appropriations to expand and improve child care services for New Mexico children, part of recent state efforts to offer more early childhood education opportunities to kids and families. The appropriation included \$25 million for early child care services, \$2.5 million for early pre-K, \$1.5 million for home visiting programs and \$250,000 for start-up costs for a Medicaid home visiting pilot program. The Chamber **supported** this funding request. New Mexico families often face persistent barriers and challenges that make it difficult for them to provide stable, stimulating home environments that all parents want for their children. The Chamber believes supporting families of young children is particularly important in New Mexico, where childhood poverty is widespread and child well-being is consistently ranked among the worst in the nation.

## D) JTIP and LEDA Funding Requests:

The Chamber **supported** the New Mexico Economic Development Department's request for \$12 million in Job Training Incentive Program (JTIP) funding. The Department was given \$4 million in its base budget and an additional \$5 million in a special appropriation, which leaves this important incentive program lacking in fiscal year 2019 by about \$3 million. The Chamber also **supported** the Department's request for an additional \$10 million in Local Economic Development Act (LEDA) funding, which is used as the state's closing fund for economic development projects. The Department received only \$5 million for LEDA, but they were given reauthorization language for FY19 that allows them to retain \$6.9 million, giving them a total of \$11.9 million.

# MAKING AN IMPACT

Helping people be successful is what we're all about. So we're proud to support the **Greater Albuquerque Chamber of Commerce** and the important role your organization plays in our community.

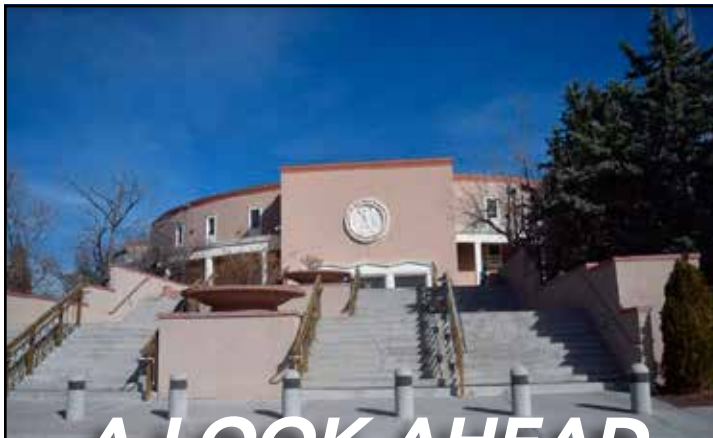


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## A LOOK AHEAD

### 2019 REGULAR SESSION SCHEDULE

*(60-day Session)*

**December 17, 2018 – January 11, 2019**

*Legislation may be prefiled*

**January 15, 2019**

*Opening day (noon)*

**February 14, 2019**

*Deadline for introduction*

**March 16, 2019**

*Session ends (noon)*

**April 5, 2019**

*Legislation not acted upon by governor is pocket vetoed*

**June 14, 2019**

*Effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date*

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