

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
February 9, 2016

Miguel Chavez, Chair - District 2
Henry Roybal, Vice Chair - District 1
Robert A. Anaya, Chair - District 3
Kathy Holian - District 4
Liz Stefanics - District 5

SANTA FE COUNTY

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I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 12:25 p.m. by Chair Miguel Chavez in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

Members Present:

Commissioner Miguel Chavez, Chair
Commissioner Henry Roybal
Commissioner Robert A. Anaya
Commissioner Kathy Holian
Commissioner Liz Stefanics

Members Excused:

None

I. C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Erika Quintana, the State Pledge by Teresa Atencio and the Moment of Reflection by Danielle Miera of the Clerk's Office.

I. F. Approval of Agenda

KATHERINE MILLER (County Manager): Mr. Chair, there are a couple of amendments to the agenda. On page 2, under Action Items, IV. C.1, for the resolution approving the Water Policy Advisory Committee calendar work plan for 2016, that would be presented by Charlie Nylander from the Water Policy Advisory Committee –

CHAIRMAN CHAVEZ: Manager Miller, could I interject on this item, I have a note that Mr. Nylander will not be able to be here until after 4:00 for his presentation so I wanted to make a note of that now.

MS. MILLER: Thank you, Mr. Chair. Also, item IV. C. 3, a resolution to support state legislation that would meet Real ID Act requirements, that has been added.

Also, item IV. D, Miscellaneous, Discussion and Possible Action on Any Matters that Could be Considered by the 52nd New Mexico Legislature has been added.

And then under item VIII. A. 1, Executive Session, threatened and pending litigation, three items under there have been added, that's litigation involving Santa Fe Film and Media Studios, rights-of-way for County roads, and litigation concerning Buckman Direct Diversion Structures. And then also any possible action by the Board that may come as a result of executive closed session was added. And then the last item, item IX. A. Ordinances, the ordinance for the LEDA project at The Place at Caja del Rio Senior Living Project, that item has been withdrawn. It was tabled for its final time under the existing noticing, so we will have to renote it when we bring it back. And those are all the changes I have to the agenda.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of the agenda as amended, with item IV. C. 1 to be heard after 4:00.

COMMISSIONER ROYBAL: Second.

CHAIRMAN CHAVEZ: Commissioner Holian, I would respectfully request that we also hold C. 2, a resolution recognizing the value of national public lands to Santa Fe County, only because there are some members of the public that are interested in that resolution and would like to speak to that, and if there are any amendments or additions that the Commissioners would like to add I'm open to that also. It's a working document and if we need to bring it back for further discussion I'm also open to that as well.

COMMISSIONER HOLIAN: I'm in agreement with that amendment.

CHAIRMAN CHAVEZ: Okay. So would you then reflect your motion to include –

COMMISSIONER HOLIAN: Okay. Mr. Chair, I move for approval of the agenda as amended with items IV. C. 1 and IV. C. 2 to be heard after 4:00.

COMMISSIONER ROYBAL: And I'll second with the same amendments.

CHAIRMAN CHAVEZ: So there's a motion and a second.

The motion passed by unanimous [5-0] voice vote.

I. G. Approval of Minutes

1. Approval of January 12, 2016, BCC Meeting Minutes

COMMISSIONER STEFANICS: I'll move approval.

COMMISSIONER ANAYA: I'll second approval of minutes.

CHAIRMAN CHAVEZ: So there's a motion and a second.

The motion passed by unanimous [5-0] voice vote.

H. Honoring Our Veterans and Service Men and Women

CHAIRMAN CHAVEZ: Again, we have nothing specific today but again, we always want to recognize them in just the normal course of doing business and hoping that they and their families are having a good time and being safe and healthy.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, just briefly on that point, I just wanted to add, and I know that the Commissioners, we've always talked about what other things can we do but there are current things that the County does for veterans. We did the fee waiver, 25 percent reduction with our land use fee code that we passed. There's also considerations for veterans relative to the Assessor's Office. And so maybe over time, I know there's always discussions about how else do we leverage our resources to work with other partners that help veterans, but maybe we could figure out a way to isolate what we do for veterans somewhere on the front of the webpage and that way people can get to it quickly just to see what's available, because it's important as we've done to honor our veterans, who they are and what they've done but to also provide those incentives that help them as well and I think we do that. And I just wanted to highlight a couple of those, Mr. Chair. Thank you.

CHAIRMAN CHAVEZ: I personally really appreciate you mentioning that, Commissioner Anaya, and I think you're right on the mark. We don't want to maybe pat ourselves on the back too much but I think we are doing some work that benefits veterans on a daily basis. We had this discussion at RTD regarding the fixed routes – not the fixed routes but the fare-based routes for RTD to see if we can accommodate our veterans with some sort of a free pass on those blue bus routes, so if someone, a veteran from Albuquerque wants to ride from Albuquerque, the Rail Runner, to Santa Fe Trails or the blue bus up to the ski basin or to northern New Mexico they can do that. So we're working on that through the RTD and we'll be bringing that back for discussion and approval to the County Commission. Any other comments from Commissioners?

IV. ACTION ITEMS

B. Appointments/Reappointments/Resignations

1. **Reappointment of Two County Open Lands, Trails, and Parks Advisory Committee (COLTPAC) Members**

COMMISSIONER STEFANICS: I would move for approval of the reappointment of two County Open Lands, Trails and Parks Advisory Committee members, and that is the reappointment of Ernesto Ortega and John Parker.

COMMISSIONER ANAYA: I'll second that.

CHAIRMAN CHAVEZ: Robert, do you want to add anything at this time?

ROBERT GRIEGO (Planning Manager): These are positions – these individuals have been on COLTPAC and they have applied to be reappointed.

CHAIRMAN CHAVEZ: Okay. So we have a motion and a second. Thank you, thank them for us for their willingness to continue to serve.

MR. GRIEGO: Yes, Mr. Chair, Commissioners. We will.

CHAIRMAN CHAVEZ: Send that message loud and clear. So we have a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Holian was not present for this vote.]

IV. C. 3. Resolution No. 2016-16, a Resolution to Support State Legislation That Would Meet Real ID Act Requirements and Ensure New Mexico Residents Do Not Need to Obtain a Passport to Board a Commercial United States Airline

MS. MILLER: Mr. Chair, if I could interrupt. We actually had intended that we would just start the meeting and then go on the tour, so we weren't planning to do this until after we came back.

CHAIRMAN CHAVEZ: I know. We've deviated a little bit and I think we're going to finish this one resolution.

MS. MILLER: Great. I just wanted to let you know because we do have people waiting at the jail.

CHAIRMAN CHAVEZ: I know and that's kind of why I'm – I apologize for rushing through a little bit too, but I think we can do this resolution and then we have a couple of items when we come back. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you very much. I did bring this up at the last meeting. I wrote a one-sentence resolution but thankfully we have our Legal staff to add additional information to make sure it's concise and clear. My simple reflection is in the caption itself – a resolution supporting adoption of the state legislation meeting the Real ID Act requirements to ensure New Mexico residents do not have to obtain a passport to board commercial airplanes within the United States.

Whereas, on May 11, 2005, President George Bush signed into law the Real ID Act of 2005 establishing standards for the issuance of state driver's licenses and identification cards;

Whereas, New Mexico driver's licenses do not currently meet those standards; and

Whereas, resident of the states whose driver's license requirements do not meet the standards set forth in the Real ID Act of 2005 may be required to utilize passports to board commercial airplanes;

Whereas, the Board of County Commissioners of Santa Fe County does not want resident to have to obtain passports in order to board commercial airplanes; and

Whereas, the legislature has tried and failed to adopt new standards for issuance of state driver's licenses and identifications and cards which would meet federal requirements;

Now, therefore, be it resolved that the Board of County Commissioners of Santa Fe County supports a compromise by our legislators in order to adopt legislation will comply with the Real ID Act of 2005 with the objective of ensuring that residents are not required to utilize passports to board commercial airplanes.

I would move for approval, Mr. Chair.

CHAIRMAN CHAVEZ: Second.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Holian, and then Commissioner Stefanics.

COMMISSIONER HOLIAN: I actually have some questions. Just saying that we support a compromise doesn't really say what compromise we're supporting and so is this a compromise that's referring to the two-tier system that I read about in the newspapers? Or what exactly is it that we are supporting?

COMMISSIONER ANAYA: I didn't want – Mr. Chair, Commissioner Holian – I did not want to get into the weeds on what the actual compromise is. I know there are several different proposals. My point is very simple, that I support that we don't have to, as citizens, utilize our – that we can utilize our driver's license to board planes and that we maintain that ability. Whatever the compromise is, and I'm hopeful and I would say this publicly and on the record, that it's a compromise between both sides of the aisle that's ultimately something that gets put into law that affords New Mexico citizens to be able to continue to use their driver's license to board planes. So whatever that compromise is – I'm not interested in picking one or the other. I'm interested in a compromise that's struck that fulfills the intent of this, which is to sustain that New Mexico residents can utilize their license to board a plane.

COMMISSIONER HOLIAN: Mr. Chair, well, I just want to make the comment that I certainly am supportive of having a kind of driver's license where they don't have to have a passport. But having said that, I don't want to create a system where we compromise the safety in our community by disallowing some people to have driver's licenses.

COMMISSIONER ANAYA: If I could, Mr. Chair, and I appreciate that remark. When we go back to the initial discussions that our Commission had a few years back, one of the things that I said at that time for licenses was that the Sheriff's, the majority of Sheriffs throughout the state of New Mexico were supportive of making sure that everybody who's driving on our roads has a driver's license for insurance purposes and for public safety purposes. I still am supportive that those safety obligations are fulfilled. What has occurred currently is we only have one methodology and that's one license and this resolution supports that the creation of a compromise, that I would agree with you, Commissioner Holian, doesn't jeopardize the public safety of the residents and people's ability to make sure that they're legally driving on the road and have the ability to get insurance.

But from my understanding it's not going to be the same exact license. It's going to have to be some difference. But I very much appreciate your comments and like the Sheriffs at the time said I'm still supportive of making sure that people are driving on the roads that are legally safe and that have insurance.

COMMISSIONER HOLIAN: Mr. Chair, so for me to support this I would like to have a sentence put in to that effect.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Stefanics, and then maybe you could work on some language while we're discussing this.

COMMISSIONER STEFANICS: Mr. Chair, I have a suggested amendment.

CHAIRMAN CHAVEZ: Related to this?

COMMISSIONER STEFANICS: Related to this. That at the end of that sentence, to board commercial airplanes, and that all residents maintain state driving privileges and records. It doesn't say what kind of driving privileges.

COMMISSIONER ANAYA: I would accept that as a friendly amendment, Mr. Chair.

COMMISSIONER STEFANICS: Would that suffice for you, Commissioner Holian?

COMMISSIONER HOLIAN: Yes. Mr. Chair, yes, thank you.

COMMISSIONER STEFANICS: I would feel more comfortable as well. So I would move that amendment if you want, or just accept it.

COMMISSIONER ANAYA: I would accept it as a friendly amendment.

CHAIRMAN CHAVEZ: Sounds like it's a friendly amendment. I want to bounce this off to the staff. County Attorney.

GREG SHAFFER (County Attorney): If I could, Mr. Chair, Commissioner Stefanics, could you read that one more time?

COMMISSIONER STEFANICS: And the end of the therefore be it resolved, after board commercial airplanes, just continue the sentence, and that all residents maintain state driving privileges and records. And if you can suggest different language, but I want it really simple. Driving privileges in the state with state records.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Stefanics, I'm okay with the amendment. Could you explain to me what you mean by records?

COMMISSIONER STEFANICS: Well, that they would – if they have a state driving privilege here it would be in the state records.

COMMISSIONER ANAYA: Oh, okay.

COMMISSIONER STEFANICS: They'd be in the state records. So that if in fact there's a public safety concern and they're speeding or their accident, there's some way of tracking because there's state records.

COMMISSIONER ANAYA: Yes, I'm fine with that.

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, I don't see any conceptual issues off the cuff. I'd just suggest that perhaps before residents you insert state, to make clear that it's residents of the state that we're talking about, maybe unnecessarily but it underscores who we're talking about.

COMMISSIONER STEFANICS: I'm fine with that. That all state residents maintain state driving privileges and records. Sure.

CHAIRMAN CHAVEZ: Okay, so we have a motion with amendments. There's a motion and a second.

The motion passed by unanimous [5-0] voice vote.

[Clerk Salazar provided the numbers for the resolutions throughout the meeting.]

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Thanks to the amendments and the Commission, and Mr. Chair, could I respectfully ask that staff deliver the resolution to all the New Mexico state legislative delegation?

CLERK SALAZAR: Chair Chavez, we will deliver that once we record and it's official.

CHAIRMAN CHAVEZ: Thank you. So I think now we're at a time where we can adjourn and we're going to temporarily recess our regular meeting for the site inspection of both the County Adult Detention Facility and the Youth Development Program and we hope to be back shortly after 4:00.

III. CONSENT AGENDA

No items were presented for consent approval.

II. Site Visit and Inspection of the County Adult Detention Facility and Youth Development Program Pursuant to NMSA 1978, § 33-3-4 (The Board of County Commissioners will temporarily recess its regular meeting to travel to and from, visit, and inspect the facilities)

[The Commission recessed from 12:45 to 4:55.]

CHAIRMAN CHAVEZ: I'm going to go ahead and call the meeting to order. I know we have a couple of resolutions, but first I want to thank the Commissioners for attending the tour of both the adult detention and youth detention facility. It's not one of the more pleasant things that we do but it's certainly necessary and one of our responsibilities, probably our biggest responsibility and biggest liability. So thank the Commissioners for attending, staff, and certainly for staff at both the facilities, the Adult and Youth Detention Facilities for the work that they do.

We're back then on our agenda. We have two resolutions. A resolution approving the Water Policy Advisory Committee's Calendar Year for 2016 work plan and a resolution recognizing the value of national public lands to Santa Fe County. And if I could ask the Commission, in the interests of the public, there are a couple of people here that would like to speak to the resolution on public lands, so if we could move that to the top of the agenda I would appreciate that. And we have the District Attorney here also, we want to recognize and we have Matters of Public Concern in just a few minutes if you want to share any comments with us at that time you're more than welcome to.

IV. C. Resolutions

2. Resolution No. 2016-17, a Resolution Recognizing the Value of National Public Lands to Santa Fe County [*Exhibit 1: Amended Resolution*]

CHAIRMAN CHAVEZ: It's pretty straightforward. I know that Commissioner Anaya will be interested in this. I'm not going to read the full resolution

but I'll read the title. A resolution recognizing the value of national public lands to Santa Fe County. I'm going to read one of the whereases.

Whereas, the US Forest Service spent over \$240 million in fiscal year 2011 and fiscal year 2012 to fight wildfires on public lands in New Mexico, a cost that New Mexico taxpayers would have to pay should federal public lands be transferred to the state. I know there's been a lot of question and debate about transfer of public lands, either to county local governments or to other entities that may not be identified at this point in time, and so I think that for myself that raises some questions.

Now, therefore be it resolved that the Board of County Commissioners of Santa Fe County support continued national ownership and management of these treasured federal public lands in Santa Fe County as well as in the United States generally as national assets for all Americans. So I'll stop there and Commissioner Holian, you had some comments and possible suggestions as well?

COMMISSIONER HOLIAN: Yes, Mr. Chair. First, would you like for me to read the letter from the Rio Grande Chapter of the Sierra Club into the record?

CHAIRMAN CHAVEZ: Yes. That would be fine.

COMMISSIONER HOLIAN: It says, Dear Santa Fe County Commissioners: The thousands of members of the Northern New Mexico Group of Sierra Club commend Commissioner Miguel Chavez for his resolution to preserve public lands in perpetuity and we hope the entire Board of Commissioners will approve it. The Sierra Club was founded over 100 years ago to preserve the majestic beauty and diversity of such iconic landscapes as Yosemite National Park and the Grand Canyon. Our motto is simply enjoy, explore, and protect the planet.

In New Mexico our 10,000 members participate in leading over 300 public outings a year, volunteer to adopt a river, maintain trails, monitor collaborative forest restoration projects, help with the relocation of sensitive species, work to characterize wilderness areas, and promote the protection of clean air and water for all. Our concept of freedom in large part is based on our ability to freely wander in our vast national lands. America's public lands should forever remain in public hands. We thank Commissioner Chavez for reminding us in northern New Mexico of that basic American right and our enduring responsibility to defend it. And this is signed by Teresa Seamster, Chair of the Northern New Mexico Group, the Rio Grande Chapter of the Sierra Club.

And Mr. Chair, the recommendations I had would be to add a little bit to this resolution. I think it's really important to recognize that we should promote efforts to improve the health of our forests. And so for the last whereas my suggestion is it read:

Whereas, federal funds, labor, personnel, equipment and other specialized fire prevention and fire suppression assets are essential to partner with County government in promoting healthy forests and protecting our communities from wildfire.

And then I would like to add – there's one Be it further resolved, and then I would like to add another Be it further resolved.

Be it further resolved that the Board recognized how important it is for the County to support private and public efforts to restore the health of the forest and the watershed.

CHAIRMAN CHAVEZ: I would accept that and at this time, if it's okay with you, Commissioner Holian, I would like to make a motion to adopt this resolution and hope for a second.

COMMISSIONER STEFANICS: Second.

COMMISSIONER HOLIAN: With the amendment?

CHAIRMAN CHAVEZ: The amendment is friendly so we have a motion and a second. Commissioner Stefanics, did you have any other comments you wanted to add at this time?

COMMISSIONER STEFANICS: Thank you, Mr. Chair and Commissioner Holian. This is an issue that the New Mexico Association of Counties debates every year and this will continue to be debated in the future so I believe that this puts our Commission in support of maintaining the public federal lands. Thank you.

CHAIRMAN CHAVEZ: Good. Thank you. And honestly, I want to give credit where credit is due. Mr. Veneklasen, I want to give you some time to make comments before the County Commission because it was really your efforts that brought this resolution to my attention. So I'm just kind of a vehicle, if you will. So the floor is yours.

GARRETT VENEKLASEN: Good afternoon, Mr. Chair, members of the Commission. Garrett Veneklasen. I'm the executive director of the New Mexico Wildlife Federation, born and raised in Santa Fe, Santa Fe resident. It's an honor to be here in front of you to talk about this issue. I recently returned from Burns, Oregon. I went and visited the Malheur Wildlife Refuge and it was a pretty strange and traumatic visit that I went to. Public lands transfer went from a conversation about transfer to actual seizure and I just want to kindly remind everyone in this room that those public lands in Oregon, we're all shareholders of those lands and lands across the United States.

It's just really exciting to see a Commission such as you all who understand and appreciate that. And I just wanted to talk a little bit further about collaborative forest restoration. I think that our Santa Fe Watershed is one of the poster-children for collaborative restoration in the nation and I spend a lot of time across the country talking to elected officials and other NGOs about collaborative restoration, habitat restoration and forest thinning projects, and Santa Fe is actually one of the poster-children for this. The other two are in the Jemez and up in Taos there's a watershed coalition that is doing a very ambitious collaborative program with County, City, State Forester, grazing permittees, environmental communities.

So again, it's great for you all to understand that collaboration and an inclusive conversation is really the solution to our land management problems or challenges, rather. And I think we can do this as a community. It's great to be from a community that understands what the sense of community really means. So thank you all so much for bringing this forward.

CHAIRMAN CHAVEZ: Mr. Veneklasen, again, I want to thank you for your efforts and for bringing this to our attention. Often we can do our part but then we depend on citizens and citizen organization groups to help us do that work, and so without that, again, that's part of the collaboration and part of the team. So again, I want to thank you for your efforts. Is there anyone else that would want to speak to this resolution this afternoon? You're more than welcome to.

GLENN SCHIFFBAUER: Mr. Chair, County Commissioners, my name is Glenn Schiffbauer. I'm the executive director for the Santa Fe Chapter of the New Mexico Green Chamber of Commerce, and I'm here on behalf of our other chapters

around the state as well to support this resolution. The New Mexico Green Chamber of Commerce has been involved with the national monument designations and the Organ Mountain Desert Peak area and the Rio Grande del Norte. So this is something that is near and dear to our hearts and to our members' hearts when it comes to public land protection through the national government, the federal government.

The public places, as we know from a business organization, are a lifeblood for much of our economy with tourism generating over \$6 billion in New Mexico and making it the second largest industry in the state. We recognize that much of that tourism is reliant on national public lands. Reliable economic data also suggests that counties with higher percentages of protected public land have stronger growth and economic development over the past 40 years than have any other counties that have less protected land.

So again, we stand in full support of this resolution and we're very proud and happy that it is coming before our County. Thank you.

CHAIRMAN CHAVEZ: Thank you. Commissioner Roybal, did you have any comments at this time?

COMMISSIONER ROYBAL: I just also wanted to commend the efforts and thank you for bringing this forward. I agree totally with this resolution and I appreciate that. Thanks.

CHAIRMAN CHAVEZ: Thanks. So we have a motion with a friendly amendment. We have a second.

The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact.

IV. C. 1. Resolution No. 2016-18, a Resolution Approving the Water Policy Advisory Committee's Calendar Year 2016 Work Plan

CLAUDIA BORCHERT (Utility Director): Good afternoon, Mr. Chair, members of the Commission. I apologize that Charlie's not here; we had a little mix-up about him not having it on his calendar. So he apologizes. I just talked to him on the phone. He said he would be happy to answer any questions that you would like to direct to him. In the meantime I'd be happy to present this resolution that –

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Yes.

COMMISSIONER STEFANICS: Before we go further – if we want to make changes then, or additions to this, do we need to wait on this? I want to ask some questions about adding some things into the calendar. So that's why I'm asking you about procedure or process. Are you speaking for him and the group?

MS. BORCHERT: Mr. Chair, Commissioner Stefanics, I do not feel like I could speak for him about making a change to the work plan. I feel like if that is what you'd like to do perhaps we should postpone it for later this month.

COMMISSIONER STEFANICS: Well, let's move ahead and ask our questions and maybe what I'm going to ask is already included but I've had some recommendations from other people that I want to put out to the group.

CHAIRMAN CHAVEZ: Okay. Well, let's have Claudia do her presentation and then we can take your suggestions, Commissioner Stefanics, and if we have to bring it back for final approval I think we can do that. Go ahead, Claudia.

MS. BORCHERT: Mr. Chair and members of the Commission, so before you you have the work plan for the Water Policy Advisory Committee for the 2016 calendar year and it includes five tasks. The first is to review policies on the Aamodt settlement and the County-owned portion of the Pojoaque Basin Regional Water System. The second task is an ongoing task that this committee handles, which is any water or wastewater systems that are seeking acquisition by the County and at this moment there are none that we know of. A third task is reviewing the Sustainable Land Development Code. I believe there is a six-month review slated for that code and anything related to water than we may find needs to get worked out in greater detail as we begin to use the code; that's the purpose of task number three.

The fourth task relates to the utility, water and wastewater master plan, and the first task is around water allocation, which is an effort that both the staff and the committee continue to tackle on kind of a –

CHAIRMAN CHAVEZ: So, Commissioner Stefanics, is this where you wanted to expand the scope of the committee?

COMMISSIONER STEFANICS: Well, if you look at what we did, Mr. Chair and Commissioners in 2015, we did review the rates, and one of the recommendations I've received is that this committee or this advisory group review all recommended changes in water rates. So if something were to come forward to us during 2016 that they have the opportunity to understand what those are and how it fits into the bigger picture, whether we're doing that to cover costs, whether we're doing it for expansion, whether we're doing it because we lost customers – something to that effect.

So it might be something simple that could be added, which is an ongoing review of changes in water rates. That could be one simple thing if Charlie and the group is amenable, and then the other one is whether or not these rates that I'm talking about, how they tie into conservation efforts. And then do we at the Water Department, and has the Water Department to the Water Policy Advisory Committee the balance between residential rates and commercial rates and what we're wanting it to be? So that they understand it too.

This is in respect to looking at all these other projects that are in their 2016. So Claudia, have you already talked about that with the committee? Commercial versus residential and the ratio and the rates?

MS. BORCHERT: Commissioner Stefanics, so looking at the rates is a work effort that we are doing in-house initially and then we also would like to include that in the final step of the utility master planning effort. Which may be a year or two out so since we are moving forward to look at a rate, the first cut at the rates in-house, I do believe that we would automatically bring that forward to the Water Policy Advisory Committee for review, just because if it's significant water policy, the first step is to go there. I believe it's not here on this list because we don't know whether that work product will be done this year or not.

And other kinds of issues that have come up the Board has directed that the Water Policy Advisory Committee to look at things that were not on the work plan. The one I

can think of, for example, is regarding the Flood Commission. So I believe that the chair and the members of our Water Policy Advisory Committee would consider that a friendly amendment to their work plan, whether you include it here or whether you decide just to advise them that you would like them to look at that should rates be ready for their review.

CHAIRMAN CHAVEZ: Can I ask a question on that, Commissioner Stefanics?

COMMISSIONER STEFANICS: Sure.

CHAIRMAN CHAVEZ: Because I think you're on the right track as far as knowing what our rates are and revising that scale on a regular base or reviewing that on a regular basis. Usually or typically our water rates are done through an ordinance?

MS. BORCHERT: Commissioner, the rates that are adopted right now have been adopted through resolution.

CHAIRMAN CHAVEZ: Resolution. And is that the usual method?

MS. BORCHERT: I would defer to Legal on what the usual or maybe preferred mechanism is.

MR. SHAFFER: Mr. Chair, I would want to study our historical practice before I offered an opinion that might call that into question.

CHAIRMAN CHAVEZ: That's fine. I just wanted to add that to the discussion now, Commissioner Stefanics, to see if that would add anything to what you're thinking. I'll yield the floor back to you. Thank you.

COMMISSIONER STEFANICS: Mr. Chair, I think that the person who is looking, who sent me some of these ideas, really was looking at how these rates would affect home developments and economic development and conservation measures that we might want to institute and whether or not our rates are appropriate – appropriate is not the right term. Whether our rates are going to cover some of these initiatives, whether they're going to put people off, whether they're going to encourage.

So perhaps – I don't want to hold this up, this water plan, because Charlie and I have talked about it. So I would be happy to move today to have this approved and then have Claudia take back to Charlie and the committee what could be a generic or general item to add in that as rates are developed further that there be some assessment of how it will affect conservation, home development and economic development. So I don't want to stand in the way of this moving ahead.

CHAIRMAN CHAVEZ: So do you want to make that in the form of a motion? I would be willing to second the motion, Commissioner Stefanics.

COMMISSIONER STEFANICS: I will so move.

CHAIRMAN CHAVEZ: And then I'll second and so you're adding some scope to the –

COMMISSIONER STEFANICS: One more item, that would be task 6, as rates may be developed or changed, that the impact – and then Claudia could go forward with the specific change that the impact be assessed for conservation, home development and economic development.

CHAIRMAN CHAVEZ: And would you be okay asking them to further research the question about whether rates would be better captured in a resolution or ordinance. I don't know which would be better but I think if you're willing to have that

discussion it probably won't add too much to it.

COMMISSIONER STEFANICS: Well, this is an advisory committee. If they want to add that to the tasks that's fine.

CHAIRMAN CHAVEZ: Okay. So there's a motion and a second. Any further discussion? Seeing none.

The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact.]

IV. D. Miscellaneous

1. Discussion and Possible Action on Matters that Could Be Considered by the 52nd New Mexico Legislature [Exhibit 2: Summary]

COMMISSIONER STEFANICS: There are several items, and Tony, you might want to refer them to the page, it is page 24. This last Saturday the New Mexico Association of Counties board of directors met and took action supporting and opposing several pieces of legislation. I'm not asking this Board to deal with each one but if there's something there that looks of major interest or if Tony wants to recommend something, we'd be happy to hear it.

TONY FLORES (Deputy County Manager): Mr. Chair, thank you, Commissioner Stefanics. Yes. Saturday the executive board met for a long period of time to go over different pieces of legislation including a presentation by Representative Harper and Chief of Staff Gleason on the hold-harmless legislation which has stalled as of yesterday. So the hold-harmless bill 233 that the Association of Counties has taken the position to oppose has not made it to his committee and I don't anticipate it happening any time soon. For specific pieces of legislation that were discussed, the one item that came out again was the pre-emption of local bodies' ability to set minimum wage at the local level rather than setting it at the state level which was a discussion point by the Association of Counties.

Representative Harper's bill as of this morning had that item stripped from it, so that one point is no longer in the bill but we are monitoring the activity.

COMMISSIONER STEFANICS: On that point, Mr. Chair.

CHAIRMAN CHAVEZ: Yes.

COMMISSIONER STEFANICS: The bill still includes language that says pre-emption, that cities and counties cannot dictate the hours that private businesses will maintain services or what benefits private business will be required to offer. Now, Santa Fe County I don't believe is interested in dictating anything to private businesses, but we as a County should be opposed to any pre-emption. So the New Mexico Association of Counties executive committee tomorrow will once again deal with this bill. I would be interested in hearing what this Commission has to say. I do represent five counties on the executive committee, not just Santa Fe County, but if Santa Fe County is opposed to pre-emption that would be helpful.

CHAIRMAN CHAVEZ: Well, personally, I would be opposed to it. I do think though that we want to have some maybe authority in dictating the hours of

business in certain cases, not like a blanket policy, but I think we should have some authority to regulate the hours of business for certain types of businesses or operations. That's just kind of my gut feeling. But the pre-emption – I don't think that should be eroded at all. That's my position. Commissioner Holian, I don't know if you want to add anything to that or not.

COMMISSIONER HOLIAN: Well, I certainly agree with you on the pre-emption issue.

CHAIRMAN CHAVEZ: So, Tony, do you –

MR. FLORES: Mr. Chair, just a couple of other points. House Bill 2 was supported by the New Mexico Association of Counties and that has made its way from the House to the Senate, and that's listed on page 24. The bottom of page 24 to the top of page 25, Senate Bill 311 by Representative Hall has quite a bit of, in simplest terms they are trying to balance the FY 17 budget by taking 16 monies and clawing them back from specific funds, and also reducing the baseline budgets for the FY 17 budget. And the critical ones that affect Santa Fe County, they're proposing to take \$4 million out of the 911 fund, which is administered by DFA, and \$3.5 million out of the DWI fund to balance some of those budgetary issues. That one is of concern of course to Santa Fe County because we do get considerable distribution from those.

Also, Mr. Chair, the Senate Bill that Senator Cisneros is proposing, the mapping and the LIDAR programs, those are moving forward through committee, and there has been discussion that the appropriation itself may be taken out of the bill and they would be creating a fund for future contributions and that's important because that's used to leverage federal dollars for those programs statewide.

The other bill, and I was going to get into this but I'll do it now, that is of concern to us is Senator Cervantes is proposing a bill to claw back any capital outlay prior to last year or up until last year that has not been – the bonds have not been sold, or the bonds have been sold and we haven't certified that we are the fiscal agent and everything is in line with receiving that appropriation, or if there's no expenditures or encumbrances against, and that bill does have concerns for Santa Fe County because there are a few projects on there that we are working through to make sure that doesn't happen. My concern is that one does seem to have traction at the Senate. I'm not sure how it will get over when it does get across the aisle to the House but that is one of those bills that seems to be gaining some speed as does the capital outlay reform which goes back to the days when Governor Richardson sat on the blue ribbon task force to do capital outlay reform back in the early part of his first administration. So that one does have some traction.

Also Senate Bill 113, Commissioner Stefanics asked about this one earlier, that's Senator Papen's bill which deals with the Assisted Outpatient Treatment Act. It provides the framework for assisting outpatient treatment for certain persons with mental illness. That has passed the Senate by a vote of 29-8 and it moves over to the House Health Committee. So we'll see if that one moves any place out of there.

We've tried to provide a pretty large analysis in this packet, both the Association of Counties' positions on certain things that staff is working through, as well as general bills that are going feverishly through the House side, not so much on the Senate side. So if there are any particular items in there, Mr. Chair, Commissioners, we will continue to work our efforts to either support or oppose those during the last ten days of the session.

With that, Mr. Chair, I'll stand for questions.

CHAIRMAN CHAVEZ: Thank you, Tony. Questions to staff?

COMMISSIONER STEFANICS: So, Mr. Chair, I am asking specifically for action on that bill. Is it House Bill 211?

MR. FLORES: Yes.

CHAIRMAN CHAVEZ: What page was that on, Commissioner Stefanics?

MR. FLORES: House Bill 211, Mr. Chair –

COMMISSIONER STEFANICS: It's not on a support or oppose.

CHAIRMAN CHAVEZ: Do you want to make a motion, Commissioner Stefanics?

COMMISSIONER STEFANICS: Mr. Chair, I move that Santa Fe County oppose any bills that use the word pre-emption to keep cities and counties from taking action on different items.

COMMISSIONER ANAYA: Second.

COMMISSIONER HOLIAN: Second.

CHAIRMAN CHAVEZ: There's a motion and two seconds. I don't think we need to refer to the bill number. I think we're okay. So there's a motion and a second.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, just briefly under discussion. I concur wholeheartedly with Commissioner Stefanics' motion. We know all too often from looking at history and experience that the further services and resources move away from the public the less the services become. The local governments are best suited at the County and the City level. The school board, for that matter, for dealing with taxpayer dollars and local resources. So any move that removes the responsibility and oversight from local governments is a detriment in my perspective from looking at history to the public and the people we serve.

COMMISSIONER STEFANICS: And so Mr. Chair, my motion was not for a specific bill. It was for all bills that would utilize the terms pre-emption, prohibiting cities and counties from taking actions.

CHAIRMAN CHAVEZ: Okay, so we have a motion and we have a second.

The motion passed by unanimous [5-0] voice vote.

VI. MATTERS OF PUBLIC CONCERN

JENNIFER PADGETT: Mr. Chair, members of the Commission, I wanted to come primarily – I'm Jennifer Padgett. I'm the new District Attorney and I've had the occasions to meet and introduce myself to a number of you and County officials in my first month and seven days on the job. Who's counting, right?

But I wanted to be sure that I came here today to introduce myself, see what in fact if you have any questions, maybe go over some of my high-level bullets that I feel as though may affect local government, county relations and kind of some of the areas that

I'm initially focusing on. I don't know how much time I have but I will be brief, Mr. Chair.

CHAIRMAN CHAVEZ: Well, it's interesting. As you know, we just came from a tour of both the adult and youth detention facilities so I think this is kind of timely. I'll open it up for questions and then maybe you can share with us what your plans are for the next year possibly. So, Commissioner Stefanics, do you have any burning questions?

COMMISSIONER STEFANICS: Mr. Chair, I would be interested in what Ms. Padgett's priorities are in her office. Obviously, she has day-to-day work, lots of different kinds of cases that come to her office. But do you have any specific priorities?

MS. PADGETT: Mr. Chair, Commissioner Stefanics, everything's a priority as it comes into the office, but in terms of priorities, what I have told the office in terms of coming in, that I wanted to take the first five months, six months, and really kind of do a high level of assessment to see where in fact there may be gaps. I assured the team that I wasn't going to make any major changes. The changes that would be made would be in terms of alignment for the sake of efficiency. And I'll tell you where my initial assessment, initial focus immediately homed into, and that was magistrate court.

I thought, everybody thought coming in, maybe I'd focus on some murder trials, or my drive, my passion, crimes against children. But in fact those units are functioning just fine. Those cases are being handled. Magistrate court is where I noticed the most important cases – the DWIs, the domestic violence cases are the ones that are falling through the cracks, primarily because I don't have the attorneys that I need there to handle the volume of the cases that are going through the magistrate court. So immediately I thought, what do we need?

We need about five or six attorneys and we absolutely need a managing attorney to handle the magistrate court cases. Because what I'm hearing from the community – I've spent a lot of time listening – is that we need to hold the repeat offenders of DUI accountable. Absolutely. But if we're not focusing on securing the convictions of the first offense, the second offense and the third offense, the repeat offenders absolutely – there won't be accountability there. So I've really kind of honed my focus on there.

Also, in terms of magistrate court, I was astonished to find that the District Attorney's Office doesn't have a presence at day-to-day in-jail arraignments where initial bond is set, potential conditions of release are set, maybe victims want to have contact with the offenders in domestic violence cases, and right after the legislative session, I myself am going to be attending those in-jail arraignments to figure out what type of documentation do we need on a day-to-day basis and what kinds of things can we do to actively participate at those case.

The public defender is there every day. The District Attorney Office, for the sake of due process should also be there. And of course Chief Judge, Judge Segura is on board and we're looking at equipment and kind of logistical needs right now, but absolutely. That's something that I'd like to see.

Also in the magistrate court, in terms of priorities, again another moment of shock. I was shocked to find out that we don't have domestic violence compliance monitoring at the magistrate court level anymore. So offenders come in, they're convicted of battery against a household member, there's no supervised probation. They

are on unsupervised probation and of course on their own merits having to complete very extensive programming whether it be a 24-week batterer and intervention program or even family counseling. And so I've been working with the domestic violence coalition and the courts to see: Are there federal grants we can leverage to get a compliance monitor? And there's an incredible amount of state resources that we as a local body, being exempt from the procurement code, might be able to of course take advantage of.

And so I'm really kind of prioritizing those, to answer your questions, Mr. Chair, Commissioner Stefanics. That was a very long-winded response.

COMMISSIONER STEFANICS: Thank you very much.

MS. PADGETT: Sure.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: I guess just a follow-up. I think given the complexities of everything that we try and deal with, some issues more complex than others, we don't have an unlimited stream of resources so we constantly have to align our resources with what we have and work with what we have. Given what you said on those two instances you brought up, the domestic violence concern and then you brought up the need for five attorneys. Since you don't have those, what else are you doing to offset what you do day in and day out to do the best you can? Because you don't have an unlimited stream of money like no one does.

MS. PADGETT: Absolutely, Mr. Chair, Commissioner Anaya, and I haven't had the opportunity to meet you so it's nice to put a face to the name. When I walked into the District Attorney's Office on the first day – I'm kind of a numbers geek so I wanted to see the budget. And I came from CYFD where I was in charge of administrative services and I was handling a half a billion dollar budget. So I gave my book, I opened my book, and I thought, where's the rest of this? Where's the rest of this? And immediately I was keyed into the issues that our office faces.

The good thing is that we do with some creative budgeting in terms of adjusting vacancy rates. Not vacancy rates, but actually retaining positions and filling some lower level attorney positions and kind of cost shifting within the organizational chart. I will be able to have those six attorneys – five new attorneys and then one managing attorney in magistrate court. I may lose some of the – the ability to fill a more senior attorney position. However, those are where the operations are pretty solid right now. I absolutely agree that resource have to be aligned and we absolutely have to look at leveraging grant dollars and some state resources in order to fund certain – not operations but maybe some special programs.

COMMISSIONER ANAYA: Thank you, Mr. Chair, and thank you for coming in today.

MS. PADGETT: Thank you.

CHAIRMAN CHAVEZ: Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to thank you for coming in today also and my colleagues did have some really good questions so I appreciate it and I really don't have any questions at this point for you. Thank you.

MS. PADGETT: Mr. Chair, Commissioner Roybal, nice to meet you.

CHAIRMAN CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, welcome, and

I really appreciate your coming to talk to us. I didn't really have time to think about this in advance but I know where to find you in case I do have questions. Thank you.

CHAIRMAN CHAVEZ: So a couple of questions I would have would have to do with the physical space, the office space, your office space and the sort of building condition of the court. The building itself. Where do you see those?

MS. PADGETT: Mr. Chair, the new courthouse, I was used to the one on Grant Street. The new courthouse is absolutely beautiful and as you know we're kind of adjacent to that. Our building is in need of some renovations. I do know that it's not completely ADA compliant, and of course it needs, for example, new carpet. However, that being said, I think proximity to the courthouse far outweighs dirty carpet. And I am willing to kind of wait our turn in terms of those kinds of renovations, work and see where the budget exists for the County to get those improvements, maybe kind of phase them in. Because of course they're needed. They're necessary, but I don't want to risk having to move the entire operations once we have the courthouse right next to us.

CHAIRMAN CHAVEZ: Okay. Good. All right. Thank you for being here and I think it was a good coincidence and timely that you were here to bring your information and your action plan, what you hope to do in the next year and hopefully we can work together to make that happen.

MS. PADGETT: Absolutely, Mr. Chair, and I am open and willing. I would love to hear how the tours went of course, the juvenile facility. I know they're doing tons of juvenile detention alternative initiatives. It's interesting to see if that has kind of manifested in Santa Fe County. And of course the issues that are in the adult facility. So I am interested to know how those went and how I might be able to help to improve those systems.

CHAIRMAN CHAVEZ: There were some positive highlights, I think. There is some accreditation that we can be recognized for and it appears that what we're doing in our adult detention facility, as far as managing the client load and the demand, we're doing the right thing. It's a model program in a sense, and so hopefully we can keep building on that.

MS. PADGETT: Absolutely. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: I just want to have the record reflect that I voted with the majority in the previous votes.

CHAIRMAN CHAVEZ: Thank you. And just so you know, on the public lands resolution there was an amendment that was accepted from Commissioner Holian that will address I think the management aspect of some of our public lands. [Mr. Shaffer distributed the revised resolution. See Exhibit 1]

V. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates *[Exhibit 3: Staff Memo]*

MS. MILLER: Mr. Chair, so I just had a couple of updates. Just a quick reminder that we have Santa Fe County Day at the legislature on February 16th. That is one week from today. Both houses will be reading a proclamation recognizing February

16th as Santa Fe County Day. In addition staff from various departments and elected officials' offices will be set up in the East Rotunda with exhibits showcasing Santa Fe County programs and services. So we are requesting that every Commissioner and elected official that can be present at 10:00 am on the floor would be great, because they'll be reading that proclamation.

CHAIRMAN CHAVEZ: Are we going to do the House side first and then the Senate, Tony?

MR. FLORES: Mr. Chair, you know how things work over there. We're going to try to get to the House first. They have been holding the memorials on the Senate side until the House has acted on it but they haven't been starting at the same time each day. Some have started at 10:00, some at 10:30. So we will attempt to do the House first.

CHAIRMAN CHAVEZ: Good. Thank you.

COMMISSIONER STEFANICS: So, Mr. Chair.

CHAIRMAN CHAVEZ: Yes, Commissioner.

COMMISSIONER STEFANICS: For you and the other Commissioners to know is I will be out of state all of next week so I won't be attending that. Thank you.

CHAIRMAN CHAVEZ: Okay.

MS. MILLER: Mr. Chair, another item. I just wanted to mention, Patricia and Kyra are here if you want to ask them a question but I mentioned it earlier today, and that is that CMS has issued a request for grant proposals for the Accountable Health Communities Model program, and that's what I was referring to about a collaboration between Santa Fe County, Los Alamos County, Rio Arriba County and Taos County, and it's a model based upon emerging evidence that addressing health-related social needs through enhanced clinical community linkages. So we're back to that issue of linkages.

It can improve health outcomes and reduce costs and the model will promote clinical community collaboration. So what we're hoping to do is put together an application for that grant. We're going to be bringing back MOUs to the Commission that we would have with the other counties relative to our role in that, so we'll be trying to move through that process quickly. I believe the application deadline is the end of March so you're going to see us moving forward with that.

What we did do is a non-binding letter of intent, that we intend to submit a grant application by March 31st and Patricia Boies and Kyra from CSD are going to provide an overview if you want but we can move on if not. They're here if you have questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I just would say on the record, I would look forward to the presentation but any mechanism that can create centralized, coordinated screening, assessment and referral for services linked to case management and linked to a common database are all things and features of successful programs in other parts of the country. I think this modeling that we're going to be going into will do those things or attempt to do those things. That would be not just my interest but the collective interests of many people that have been working on this particular matter for decades. And so I'm supportive of the initiative and I think would want to hear a full-blown presentation probably at a later date, just based on the feedback that you provided.

But I'm very much appreciative of the effort and look forward to seeing the presentation and the MOUs and the collaborations with the other entities. So thank you very much.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I would concur with Commissioner Anaya. After having been at our adult detention center and our juvenile detention center and learning more about all of the needs of our persons residing there, hopefully this coordination will address behavioral health in a significant way, and I would agree that we don't need to hear the presentation today but I would like to be kept apprised as we go on as to whether or not we make the first cut and if we get cooperation from the other counties and so on. Thank you.

CHAIRMAN CHAVEZ: Again, I think as was mentioned, this was very timely, coincidentally. I think that this is kind of falling into place. This ties in with our County Health Action Plan and the Stepping Up initiative that we've been working on. It talks about a regional perspective because we're including at least three counties – Rio Arriba, Los Alamos and Taos County in addition to Santa Fe County. So I think we're casting that net a little broader. We're looking at our community but we're looking at the needs of our neighbors as well and hoping to build on that collaboration, so I'm hoping that we're successful in this. Commissioner Anaya, you suggested a timeline for a presentation on this, or maybe it was Commissioner Stefanics. Do we want to be specific?

COMMISSIONER ANAYA: Mr. Chair, I think as it progresses and we go through those cycles of cuts, I guess if you will. If we make the first cut, second cut, I think just providing us background information and a progression as it moves through the process.

CHAIRMAN CHAVEZ: Okay. Thank you. Were you done, Manager Miller?

MS. MILLER: Mr. Chair, I'm done, unless you have any questions about anything else.

COMMISSIONER ROYBAL: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Roybal.

COMMISSIONER ROYBAL: I had a question for Manager Miller. Did we have an update that we were going to talk about San Ildefonso?

MS. MILLER: Mr. Chair, Commissioner Roybal, yes. I thought we might have discussion in executive session, but one thing that I can tell you relative to – for the Board, is that we have had some meetings between the officials of San Ildefonso and Santa Fe County, and we have agreed to re-engage in negotiations concerning the County roads within the exterior boundaries of San Ildefonso Pueblo. We also discussed having a comprehensive solution to all of the issues and have agreed to re-engage in that dialogue and are setting up some agendas to move forward.

COMMISSIONER ANAYA: On that point.

CHAIRMAN CHAVEZ: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I appreciate you bringing it up, Commissioner Roybal. I think it's important to note that sometimes when you don't have Facebook it's a good thing, and maybe this was one instance where it was because I read

the article in the *New Mexican*, I think it was a week ago. I don't remember the day. Katherine, maybe a week ago, five days ago, that spoke to our lack of interest as a County with coordinating or negotiating with the pueblos, San Ildefonso in particular. So I got on my PC quickly and was doing a response, but you needed to have a Facebook account and I didn't have it.

So anyway, the long and the short of it was there was a misquote in the *New Mexican* that we were not willing to negotiate. That was a quote that was taken from prior discussions, so I think it's important that the Commissioner brought it up. My response was going to be we're absolutely trying to figure out a resolution, because we need a collective resolution for those roads for County purposes and for private purposes so people can access their homes.

And so if you want to expand briefly, Ms. Miller, but there was a misquote in the paper. It was an old quote and we clarified that we are coming to the table and Commissioner Roybal has been in the loop, in the discussions, and you've been in the discussions and he's been in the loop which is important to me and I think all of the Commissioners. So if you want to expand on that, but I just want to put that on the record, if you will.

MS. MILLER: Mr. Chair, Commissioner Anaya, you weren't the only one that had that reaction to that statement. The statement I believe in the newspaper had to do with a court case and an article relative to a court case that private individuals had brought forward concerning the road issues within the San I boundaries, and there was a statement that indicated that the pueblo stated we have been unwilling to re-enter negotiations. And I believe that that was their statements and we did confirm – Kristine called the paper and said was that based upon a statement from last fall? And they confirmed that it was, as did actually the Governor of San Ildefonso said he didn't actually speak to anybody, so he did not make that comment recently.

And I would like to say we've always been willing to – as a matter of fact when the negotiations broke off previously, I still sent a letter stating we'd like to come back to the table. So I'm happy to say that San I did re-engage and said they would like to come back to the table and we've had some very amicable discussions about how we would proceed with that. So we are setting up meetings in order to do that.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

V. B. Legislative Session

See above, IV. D. 1.

VII. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

- A. Matters from County Commissioners and Other Elected Officials**
- 1. Elected Officials Issues and Comments**
 - 2. Commissioner Issues and Comments**

CHAIRMAN CHAVEZ: Commissioner Anaya, did you have anything else you wanted to add at this time?

COMMISSIONER ROYBAL: Mr. Chair, I would, after Commissioner

Anaya.

COMMISSIONER ANAYA: Go ahead, Commissioner.

COMMISSIONER ROYBAL: Actually, I just wanted to reiterate and thank County Manager Miller for the update and also thank Commissioner Anaya for the words that he shared with us and his views. I want to say that the County has – and reiterate that the County always has been willing to come to the table and talk to San Ildefonso on this issue so I'm glad that we have stated that today and also, I'm hopeful that we will come to a resolution and a permanent resolution to this issue. So thank you.

CHAIRMAN CHAVEZ: Thank you, Commissioner Roybal.

Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I just want to thank the contractors that have been working at the Cyclone Center. They did a lot of work and then we got a lot of snow and a lot of mud. But Mr. Kelley, or someone – Mr. Martinez, or Mr. Hogan, maybe, if you could just let me know where we are on the schedule now that things have started to thaw out and if those guys are going to be getting back out there, soon I hope. But they did all the pours on the footers and it's coming along. Because of the weather I know that they were held up. So if you could just provide an update I'd appreciate it.

MARK HOGAN (Public Works): Be happy to, Mr. Chair, Commissioner Anaya. I was pleased to hear from Robert as he was coming in, confirmed that they were back to pouring concrete this week just as the weather had improved, so they had probably about 17 days that they weren't able to work. We've asked for a make-up schedule to see how that's going to affect the overall schedule for the project. We haven't received that yet. They're confident they're going to be able make up some of the time. We're waiting for the steel of the building to start arriving; that's a couple weeks off, but the foundations and stuff are in place for when that happens.

COMMISSIONER ANAYA: Appreciate it, Mr. Hogan. Like I said, appreciate the work that was done. We'll take the snow, we'll take the moisture any day, but it's drying up so it's good to hear that they're going to be getting back on track. So thank you. Thank you, Mr. Chair. That's all I have.

CHAIRMAN CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I think that I made my comments about the New Mexico Association of Counties board that met already. I will be going to the National Conference next week via Dayton, Ohio to see my parents, so that's while I'll be out first. And I know that some other members are going to NACo as well, where we can receive our federal legislative updates. The session is ending next week, hopefully Thursday at noon. There are still quite a few bills that could affect counties and I hope – I know the budget is dire but I hope none of the other bills will pass that will hurt us. Thank you.

CHAIRMAN CHAVEZ: Thank you, Commissioner Stefanics.

Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just wanted to give you all an updated on the state mandated process to update the 16 regional water plans in the state, that's going on right now. Most of Santa Fe County is in the Jemez y Sangre Regional Water System and that includes Santa Fe County from, I think the Galisteo

Basin north. It also includes Los Alamos, a small sliver of Sandoval County and the southern part of Rio Arriba County.

The southern part of the county is in the Estancia Basin and they're doing their own update process. But I am on the board that is working to update the Jemez y Sangre Regional Water Plan and I just sort of wanted to let you know about what's going on there. The goals for all of the regional water plans are to, number one, come up with a plan to close the water supply-demand gap as the population increases in the various regions, and the more substantive thing that all of the planning committees are doing is to come up with a list of projects, programs, and policies for each of the regions.

There is an initial draft that already exists and I would be glad to send out that draft to any of you who are interested in it, but I wanted to talk about why this is really important. Well, number one, it's mandated by the state. That means that we don't really have a choice. But in any event, the other thing, the other reason that it's important to come up with a list of projects that might be appropriate to our region is that if we want to apply for grants or other kinds of state funding, projects that are on that list are going to be more likely to actually get state funding or grants. And so it is important for us to really think carefully about what kind of projects we would really want to see in our area.

The other reason is that the state is required to do an update of the state water plan by the end of 2017, so they will be incorporating all the regional water plans into the state water plan. And that has to do with the water compacts that we have with our neighboring states. The idea is we need to prove that we need the water that goes through our state; otherwise it might be taken away from us.

So I just wanted to mention what I think is a couple of the strengths of the process that we're going through now. First of all there's a steering committee, a rather large steering committee that has been put together. I think it has about 20, 25 people on it already. But it really brings people together from different communities, and also people who have different points of view. For example, people from various local governments, non-profits, the pueblos are involved, the business community and a lot of other entities like that.

The meetings right now are being facilitated. Rosemary Romero is the facilitator who's in charge and she's really added a lot to my understanding of the process. Amy Lewis is the one who is in charge of compiling the updated plan which will be turned into the Interstate Stream Commission. And I've put two handouts on your places on the desk here just so that you can get an idea. [Exhibits 4 & 5] I tried not to – we have a lot of information that's been handed out to us but I think these are two handouts that can sort of give you an idea, number one, of the process that we're going through for the regional water plan, and then also, I think this is really, really interesting, is a compilation of the key issues in the Jemez y Sangre planning region. So you can see the sort of things that people have brought up are the key issues in our area.

And I want to ask you a couple of questions and get some feedback from you. Number one, we need to do a public outreach effort. So if you have any suggestions for how we can most effectively do that public outreach effort I would really be glad to have those suggestions. I'm wondering if maybe we should have some County-sponsored meetings to present this to the community and so to get their feedback on this. Another thing I was wondering is if you would like a presentation by staff, and I will just note that

Claudia Borchert, Sandra Ely and Jerry Schoeppner have been involved in this process from the very beginning.

I think this is a really important process that we're going through, and if you'd like to have a presentation by staff maybe we can schedule something like that so you can get more details. I'm just giving you a very brief overview of what's going on. And I guess the other question I have is do you want to know about future meetings of the steering committee in case you would like to attend?

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Holian, I appreciate the information. Just a few thoughts I would have would be to utilize our existing planning tools that we have through the community planning process, to provide the information to those various communities in Santa Fe County. I would include the mutual domestics. In this top sheet I would absolutely want to protect the interests of our mutual domestic water systems – Glorieta, Galisteo, La Bajada come to mind quickly, but there might be others. So I would say engaging our planning committee process through utilizing the people that helped us with the community plans, engaging our mutual domestic community associations in the process.

And then I haven't heard an update from our own committee but maybe this is a working task that we can apply to our own water committee that included a lot of those various entities. So I think it's good to provide the information. I would like to know how it progresses, and would like to, as you do, engage as many members from the community and associations as possible – Soil & Water Conservation Districts come to mind, Santa Fe and Northern District. So those are a few thoughts I had.

COMMISSIONER HOLIAN: Thank you, Commissioner. And I will note, I think that somebody from the Soil & Water Conservation District, Jose Varela Lopez, has been participating. And Claudia is here to, if you have any further questions. She probably knows more than I do, actually.

CHAIRMAN CHAVEZ: So I want to go to Commissioner Stefanics. You're good, Commissioner Anaya?

COMMISSIONER STEFANICS: I do think that quite a few people are interested in water and there might be – there are quite a few meetings going on, so if there was some serious consideration given to a meeting that was not too many in one week, I would say for the public, I think it would be a good idea. Like the MPO is having public meetings and we're having public meetings. And so I do think having some type of convening would be helpful. Because the public at large likes to participate in discussions about water.

COMMISSIONER HOLIAN: Well, and this is a topic of interest to everyone. So you're suggesting like a community meeting, for example, and possibly we could work on organizing that. Or should it be as part of our BCC?

COMMISSIONER STEFANICS: Well, no. I'm thinking of when we had the land use meetings around there were staff around the room to answer questions and dialogue with people about different parts of it, and then, after the first half hour or so of an open house, then there was a presentation. Maybe something like that. Or maybe a presentation and then staff stay for a half hour to receive individual comments versus comment from the large group. I don't know.

COMMISSIONER HOLIAN: Thank you, Commissioner Stefanics. That seems like a good suggestion. Anyway, it's part of our charge to actually do public outreach. So we do have to come up with a plan for how to do that. That's also mandated by the state.

COMMISSIONER STEFANICS: Well, our planners, Mr. Chair, in our Planning Department are well received by the community when they work with the community on community plans, so I think any of them have the skills to do this.

CHAIRMAN CHAVEZ: So I would just say that I think public outreach is good. We're talking about some of the same issues on the Buckman Direct Diversion Board and how that fits into our portfolio for water, the water system itself. I would be interested to see the draft plan for the Jemez y Sangre Regional Planning program. And then what are your thoughts about dovetailing this work with what our Water Policy Advisory Committee is doing?

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I believe I saw one of the – here it is. Under task #4, actually, for the Water Policy Advisory Committee, it says something like provide recommendations regarding master plans and how they address regional water planning needs and issues. So that is related.

CHAIRMAN CHAVEZ: Well, that's good, because I think that regional perspective has to be out in front of this discussion as much as possible.

COMMISSIONER HOLIAN: And I will note on this list of key issues, coming from Santa Fe County is a suggestion that we investigate regionalizing water and wastewater infrastructure.

CHAIRMAN CHAVEZ: Good. Okay, so I think we've had some good discussion on that. You're okay, Commissioner Roybal? Good to go:

COMMISSIONER ROYBAL: Yes.

CHAIRMAN CHAVEZ: Okay, so that covers County Commission. Do we have any other elected officials that would want to comment at this time?

GERALDINE SALAZAR (County Clerk): Chair Chavez, Commissioners, I would like to inform the residents in our municipal areas in Santa Fe County that March 1st is municipal election day and Santa Fe County Clerk and her staff have been working with the City Clerk to start up this election. My staff has certified the voting machines and have delivered them to the City Clerks for early and absentee voting. Early and absentee voting is February 10th through the 26th in Edgewood and in the City of Santa Fe. So I would like to encourage the residents in our municipal areas to be a part of this process, to vote, and understand that elections require a lot of work, a lot of effort, a lot of coordination. It does cost the taxpayers so I would appreciate high participation. Thank you.

CHAIRMAN CHAVEZ: Thank you.

VIII. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

- 1. Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant, as Allowed by Section 10-15-1(H)(7) NMSA 1978, and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as allowed by Section**

- 10-15-1(H)(8) NMSA 1978, Including the Following:**
- a. Litigation Involving Santa Fe Film and Media Studios, Inc. and La Luz Holdings, LLC**
 - b. Rights-of-Way for County Roads**
 - c. Litigation Concerning Buckman Direct Diversion Structure Issues**

MR. SHAFFER: Mr. Chair, we would have a need for an executive session to discuss threatened or pending litigation in which Santa Fe County is or may become a participant as allowed by Section 10-15-1(H)(7) NMSA 1978, and discussion of the purchase, acquisition or disposal of real property or water rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, including the following specific items: litigation involving Santa Fe Film and Media Studios, Inc. and La Luz Holdings, LLC; rights-of way for County roads; and litigation concerning Buckman Direct Diversion structure issues.

CHAIRMAN CHAVEZ: So do I hear a motion to go into executive session?

COMMISSIONER ROYBAL: So moved.

COMMISSIONER STEFANICS: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7 and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

Commissioner Anaya	Not Present
Commissioner Chavez	Aye
Commissioner Holian	Aye
Commissioner Roybal	Aye
Commissioner Stefanics	Aye

CHAIRMAN CHAVEZ: And do we have – I know it's hard to estimate time, but do we have an estimate on time, Mr. Shaffer? Do we want to budget an hour?

MR. SHAFFER: I think an hour would be appropriate, Mr. Chair.

[The Commission met in closed session from 6:10 to 8:12.]

CHAIRMAN CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we come out of executive session and no action was taken.

COMMISSIONER ROYBAL: Second.

CHAIRMAN CHAVEZ: Okay, we have a motion and a second to come out of executive session. As was noted, there was no action taken. Commissioner Holian, do you want to list just briefly the items that were discussed and staff that was in attendance?

COMMISSIONER HOLIAN: Mr. Chair, I'm not sure we need to list that.

We noted what the items were going into executive session.

CHAIRMAN CHAVEZ: Right. Okay. Do we need to note who was in attendance, Mr. Shaffer?

MR. SHAFFER: No, you don't, Mr. Chair, but I think the motion should reflect that those were the only items that were discussed.

COMMISSIONER HOLIAN: Yes. The only items discussed that were discussed were those on our agenda.

CHAIRMAN CHAVEZ: Got it. So we have a motion and a second to come out of executive session.

The motion passed by unanimous [5-0] voice vote.

VIII. B. Possible Action(s) with Respect to Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant Discussed in Executive Session

No action was taken.

IX. ORDINANCES

A. Ordinance No. 2016-___, The Place at Caja Del Rio **WITHDRAWN**

X. CONCLUDING BUSINESS

- A. Announcements
- B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Chavez declared this meeting adjourned at 8:13 p.m.

Approved by:

Miguel Chavez

 Board of County Commissioners
 Miguel Chavez, Chair



TEST TO:

Geraldine Salazar

 GERALDINE SALAZAR
 SANTA FE COUNTY CLERK



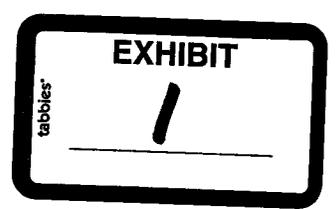
Respectfully submitted:

Karen Farrell
 Karen Farrell, Wordswork
 453 Cerrillos Road
 Santa Fe, NM 87501

COUNTY OF SANTA FE)
 STATE OF NEW MEXICO) ss
 BCC MINUTES
 PAGES: 76
 I Hereby Certify That This Instrument Was Filed for
 record On The 10TH Day Of March, 2016 at 03:12:43 PM
 and Was Duly Recorded as Instrument # 1788400
 of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
 Geraldine Salazar
 Deputy *Laura Hernandez* County Clerk, Santa Fe, NM

S F C C L E R K R E C O R D E D 0 3 / 1 0 / 2 0 1 6



**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY
RESOLUTION NO. 2016 - _____**

**A RESOLUTION RECOGNIZING THE VALUE OF NATIONAL
PUBLIC LANDS TO SANTA FE COUNTY**

WHEREAS, Santa Fe County (“County”) has a wealth of spectacular high-alpine landscapes and ecosystems on located on national public lands, including rivers, forests, wetlands, meadows and other natural resources; and

WHEREAS, these public lands within the County are the basis of our quality of life, offering extensive public recreational opportunities; and

WHEREAS, Americans from across the nation visit our public lands to participate in activities like hiking, hunting, fishing and camping and thereby support our local and state economies; and

WHEREAS, the County works collaboratively with the United States Forest Service (“USFS”), the Bureau of Land Management (“BLM”), the New Mexico State Parks Division, municipal governments and other agencies and organizations within Santa Fe County to improve public land management on a landscape scale; and

WHEREAS, these public lands provide important habitat for native wildlife populations including but not limited to bighorn sheep, elk, deer, black bear, mountain lion, pine marten, marmot, pika, and Rio Grande cutthroat trout; and

WHEREAS, these public lands within the County have historically been a valuable source of fish, game, food and medicinal herbs for traditional Hispano and Native American communities and families; and

WHEREAS, many of the watershed and Acequias originate on these public lands, providing local communities with clean water supplies; and

WHEREAS, Americans from across the United States value federal public lands as part of our national heritage, and desire to have them protected for future generations to benefit from and enjoy; and

WHEREAS, County residents participate extensively in volunteerism, helping to maintain trails, build bridges, clean up debris, provide education to visitors and much more, because of their respect and appreciation of the value of these lands for all Americans; and

WHEREAS, there are approximately 3,989 abandoned mines on federal public land in New Mexico, and it is estimated that New Mexico taxpayers could face between \$385 million and \$842 million in cleanup costs, should the state assume liability for the abandoned mines located on BLM and USFS lands; and

WHEREAS, the USFS spent over \$240 million in FY2011 and FY 2012 to fight wildfires on public lands in New Mexico, a cost that New Mexico taxpayers would have to pay for, should federal public lands be transferred to the state; and

WHEREAS, federal funds, labor, personnel, equipment and other specialized fire-prevention and fire-suppression assets are essential to partnering with County Government in promoting healthy forests and protecting our communities from wildfire.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Santa Fe County support continued national ownership and management of these treasured federal public lands in Santa Fe County, as well as in the United States generally, as national assets for all Americans.

BE IT FURTHER RESOLVED that the Board recognizes the irreplaceable value these lands provide to our economy, recreation, quality of life and national heritage and how important it is for the County to support private and public efforts to restore the health of forests and watersheds.

PASSED, APPROVED, AND ADOPTED THIS 9th DAY OF FEBRUARY, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Miguel M. Chavez, Chairman

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer, County Attorney



SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING LEGISLATIVE REPORT

SFC CLERK RECORDED 03/10/2016

2016 REGULAR SESSION SCHEDULE (30-Day Session):

February 3 Deadline for introduction

February 18 Session ends (noon)

March 9 Legislation not acted upon by governor is pocket vetoed

May 18 Effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

All other acts become effective 90 days after adjournment of Legislature or at date specified in the act.

2016 BILL STATISTICS

Current Statistics for All Bills

	Total
Bills Introduced	970
Bills Passed in 1st House	154
Bills Passed in 2nd House	3
Bills Sent to Governor	1
Bills Signed into Law	0

Current Statistics for House Bills only

	Total
Bills Introduced	495
Bills Passed in 1st House	95
Bills Passed in 2nd House	2
Bills Sent to Governor	1
Bills Signed into Law	0

Current Statistics for Senate Bills only

	Total
Bills Introduced	475
Bills Passed in 1st House	59
Bills Passed in 2nd House	1
Bills Sent to Governor	0
Bills Signed into Law	0

**Resolution House items
PROGRESS REPORT**

BILL	DESCRIPTION	House 1				House 2				PL/Chap	Last Action	Status
		I	C	RC	P	C	RC	P	G			
HB88	<i>Salazar, T. (D70)</i> HOUSING FOR BEHAVIORAL HEALTH-RELATED HOMELESS PERSONS Appropriates \$2.5 million (2017 GF) to the Human Services Department for permanent supportive housing services, including case management, life-skills training, housing counseling, rental assistance and other services to help people who are homeless or at risk of homelessness with behavioral health-related disabilities to obtain and maintain stable permanent housing.	.	.								01/28/2016	HAFC
HB115	<i>Hall, J. C. (R28)</i> NMSU: DEPARTMENT OF AGRICULTURE FOOD PROGRAM FOR SCHOOL LUNCHES Appropriates \$90,000 (GF 2017, nonreverting) to NMSU's board of regents for use in 2017 and subsequent fiscal years for the Department of Agriculture to expand its program that provides locally grown fresh fruits and vegetables for public school lunch programs to school districts in north-central and south-central New Mexico in areas with farmer training programs.	.	.								02/01/2016	HAFC
HB186	<i>Roch (R67); Dodge (D63)</i> STUDY: HOW TO BEST SUPPORT EMERGENCY SERVICES STATEWIDE Appropriates \$300,000 from the general fund to the Department of Health, in collaboration with the State Fire Marshall, to determine how best to support emergency services statewide. Department to report results to appropriate legislative interim committees by December 2016.	.	.								01/28/2016	HAFC
HB189	<i>Hall, J. C. (R28)</i> NEW MEXICO FRESH PRODUCE FOR SCHOOL MEALS (Related to 2016 HB115 and SB82) Appropriates \$1.4 million (GF 2017 nonreverting) to the Public Education Department for FY2017 and subsequent fiscal years to purchase and distribute New Mexico-grown fresh fruits and vegetables to school districts, charter schools and juvenile detention facilities through the PED school meal programs and for a full-time-equivalent position to administer and promoted this initiative. (2016:SB82; 2016:HB115)	.	.								02/03/2016	HAFC
HB198	<i>Pacheco (R23)</i> ASSISTED OUTPATIENT TREATMENT ACT (Identical to SB113; almost identical to 2015 SJC substitute for SB53 passed by the Senate, amended in HJC and passed by the House but died API) Proposes the Assisted Outpatient Treatment Act to provide a framework for assisted outpatient treatment for certain persons with a mental illness or disorder. (2016:SB113)	.	.								01/22/2016	HRC
HB246	<i>Stapleton (D19)</i> HSD BEHAVIORAL HEALTH INTERVENTIONS FOR ADULTS AND JUVENILES Appropriates \$250,000 (GF 2017) to the Behavioral Health Services Division of the Human Services Department to provide targeted, individualized interventions for nonviolent adult and juvenile offenders who have behavioral health diagnoses.	.	.								02/05/2016	HAFC
HB247	<i>Stapleton (D19)</i> BEHAVIORAL HEALTH SERVICES FOR NONVIOLENT OFFENDERS Adds to the duties of the Behavioral Health Services Division of the Human Services Department the requirement to create, implement and evaluate a framework for interventions for nonviolent adult and juvenile offenders with a behavioral health diagnosis, and appropriates \$250,000 (GF 2017) to carry out the provisions of the act.	.	.								01/27/2016	HRC
HB311	<i>Hall, J. C. (R28)</i> TRANSFERS AND REVERSIONS TO GENERAL FUND--\$221 MILLION PLUS Reverts in excess of \$221,763,700 to the 2016 General Fund Operating Account, the 2017 Appropriation Account of the General Fund, and the Tobacco Settlement Program Fund. A total of \$169,755,000 is transferred in FY 2016 and approximately \$52,008,700 is transferred in FY 2017. These amounts do not include a transfer that is identified as 50% of the FY 2017 distribution to the Master Settlement Agreement relating to the Tobacco Settlement Program Fund. (Contingencies apply to amounts taken from New Mexico Finance Authority and the Tobacco Settlement Program Fund.)	.	.	.	.	.	.	.	.	.	02/08/2016	SFC

SFC CLERK RECORDED 03/10/2016

**Related House items
PROGRESS REPORT**

BILL	DESCRIPTION	House 1			House 2			PL/Chap	Last Action	Status
		I	C	RC	P	C	RC				P
HB12	<i>Lundstrom (D9)</i> PUBLIC PROJECT LOAN AUTHORIZATIONS (Endorsed by the New Mexico Finance Authority Oversight Committee) Authorizes the New Mexico Finance Authority to make the following 115 public project loans from the Public Project Revolving Fund (loans less than \$1 million do not require specific authorization and need not be identified in this act):	•	•	•	•				02/06/2016	SCORC
IIB18	<i>Garcia Richard (D43); Neville (R2)</i> LOS ALAMOS COUNTY FULL-TIME EMPLOYEES SALARY STRUCTURE Provides for certain Los Alamos full-time county officials to receive a maximum annual salary of \$65,855.	•	•						02/03/2016	HJC
IIB19	<i>Rodella (D41)</i> DRINKING WATER STATE REVOLVING LOAN FUND APPROPRIATION (Endorsed by the New Mexico Finance Authority Oversight Committee) Appropriates \$1.8 million (nonreverting) from the Public Project Revolving Fund to the Drinking Water State Revolving Loan Fund, for use in FYs 2017 and subsequently, to provide state matching funds for federal Safe Drinking Water Act projects and to carry out the purposes of the Drinking Water State Revolving Loan Fund Act.	•	•	•	•				02/06/2016	SCONC
IIB29	<i>Gentry (R30); Trujillo, C. (D46)</i> AUTHORITY TO ADOPT LOCAL CURFEW ORDINANCE Proposes a new section to the Children's Code that gives the governing body of a county or municipality (includes a city, town or village) authority to adopt a curfew ordinance to regulate actions of children between midnight and 5:00 a.m., and to regulate the actions of children during daytime hours on school days. Calls for a minimum of nine exemptions to the curfew that take into account emancipated minors, travel to and from work, and attendance at school or religious functions. The ordinance shall not impose criminal penalties for curfew violation.	•	•	•	•				02/02/2016	SPAC
IIB33	<i>Adkins (R29)</i> DELAYS ECONOMIC DEVELOPMENT REVOLVING FUND PROJECT APPROVAL DATE (Endorsed by the New Mexico Finance Authority Oversight Committee) (Related to 2013 SB118; 2011 SB454) Delays the implementation by three years of an act relating to the New Mexico Finance Authority that provides for standard projects that receive Economic Development Revolving Fund funding to be approved first by law. Instead of July 1, 2016, the approval of standard projects by law would be delayed until July 1, 2019.	•	•	•	•				02/06/2016	SCORC
IIB34	<i>Adkins (R29)</i> THANKSGIVING SATURDAY GRT DEDUCTION FOR RETAIL BUSINESS OR RESTAURANT Provides a gross receipts tax deduction for the sale at retail of tangible personal property or from the sale of food at a restaurant for sales that occur during the period beginning at 12:01 a.m. on the first Saturday after Thanksgiving Day and ending at midnight on the same Saturday.	•	•						01/19/2016	HRC
HB38	<i>James (R24)</i> DISPOSITION OF OBSOLETE PUBLIC PROPERTY Adjusts and clarifies criteria for the disposition of obsolete, worn-out or unusable tangible personal property that is no longer economical or safe for use by the state agency, local public body, school district, or state educational institution. Requires a finding by the governing authority that the item has a net book value of between \$100 and \$5,000, or a determination by its chief procurement officer that the item has a net book value of less than \$100. All other provisions of the disposition law remain the same.	•	•						01/19/2016	HRC
IIB39	<i>Rehm (R31)</i> PUBLIC EMPLOYEE LEGISLATOR LEAVE REQUIREMENTS Provides for a legislator who is an employee of a political subdivision to take accrued annual or compensatory leave without pay when the legislator attends a meeting for which he or she is eligible to receive per diem. Applies to all political subdivisions of the state, including home-rule municipalities.	•	•						02/01/2016	HGEIC

HB43	<i>Rehm (R31)</i> INJURED PUBLIC SAFETY EMPLOYEES' BENEFIT COVERAGES (Similar to 2014 HB194) Prescribes employer payment of member insurance and pension contributions and establishes procedures for accrual of service credit for public safety employees who were injured while on public-safety duty.	•	•															02/04/2016	HRPAC
HB47	<i>Montoya (R1)</i> AUTHORITY TO LEASE GOVERNMENT LIQUOR LICENSE TO "QUALIFYING FACILITY" Provides for governmental liquor licenses to be leased to a "qualifying facility," subject to compliance with the application process established by the state Liquor Control Director. The qualifying facility may sell alcoholic beverages subject to all state laws and regulations governing dispensers. The governmental entity will establish the lease fee paid by the "governmental license lessee" that will use the license.	•	•															01/19/2016	HRC
HB58	<i>Salazar, T. (D70); Roch (R67)</i> RETIREE HEALTH CARE CONTRIBUTION RATES (Identical to 2015 HB436 and SB169) Proposes to amend the Retiree Health Care Act by increasing the employer and employee contribution rates paid to the Retiree Health Care Fund. (2016:SB35)	•	•	•	•													02/08/2016	SPAC
HB59	<i>Salazar, T. (D70)</i> RAPID REHOUSING SERVICES FOR HOMELESS PEOPLE Appropriates \$2 million (GF) to the Human Services Department for the New Mexico Mortgage Finance Authority to assist people who are homeless with rapid rehousing services. The services include case management, life-skills training, housing counseling, short-term and long-term rental assistance and other services that help homeless people obtain and maintain stable permanent housing.	•	•															01/26/2016	HAFC
HB75	<i>McCamley (D33)</i> CANNABIS REVENUE AND FREEDOM ACT (Related to SB3; Identical to 2015 HB160; related to 2015 SB94, SJR2 and 2014 HM38, SB127, SJR10) A 133-page bill that proposes the Cannabis Revenue and Freedom Act establishing a comprehensive regulatory framework relating to marijuana and industrial hemp that allows a person who is licensed, regulated and taxed by New Mexico to legally manufacture and sell marijuana to a person who is at least 21 years of age, subject to the provisions of the act. (2016:SB3)	•	•															01/19/2016	HRC
HB85	<i>Roybal-Caballero (D13)</i> CAP GAMING COMPACT REVENUE SHARING (Identical to 2015 HB22 and 2014 HB307) Bars the Governor from submitting and the Legislature from approving a revenue-sharing percentage paid by a tribe to the state that exceeds New Mexico's corporate income tax rates.	•	•															01/19/2016	HRC
HB94	<i>Garcia Richard (D43); Bandy (R3)</i> NM REAL ID CARD (GARCIA VERSION) (Related to 2016 HB99; 2015 SB653) Proposes to resolve the issue of compliance with the federal REAL ID Act of 2005 by authorizing the Taxation and Revenue Department to issue a New Mexico REAL ID card that meets the requirements of the federal law that is distinct both from a driver's license and a state-issued identification card. Requires state driver's licenses and ID cards to indicate that they do not comply with the federal act. Provides for fees and imposes penalties for misuse of cards and for fraud related to issuance of documents by TRD. (2016:HB99)	•	•															01/19/2016	HRC
HB96	<i>McQueen (D50)</i> NO PENSION FOR CORRUPT ELECTED PUBLIC OFFICIALS Amends the Public Employees Retirement Act to deny pension benefits to an elected public official who has been convicted of or has pled guilty or nolo contendere to a corruption offense after the official's first election to a public office.	•	•															01/19/2016	HRC
HB99	<i>Pacheco (R23); Nunez (R36)</i> REAL ID DRIVER'S LICENSES & DRIVING PRIVILEGE CARD FOR CERTAIN FOREIGN NATIONALS (Relates to HB94; 2015 SB653, HB22; 2014 HB127; 2013 SB521) Proposes to reconcile state law with the Federal REAL ID Act of 2005 by authorizing the Taxation and Revenue Department to issue two different types of state driver's licenses and identification cards. (1) The first is for U.S. citizens and foreign nationals with lawful status who qualify for licenses and ID cards that comport with the REAL ID Act. (2) The second is a "driving privilege card" intended for foreign nationals who are unable to demonstrate authorized legal presence in the United States, and which requires a fingerprint background check. Does away with the current blanket provision under which foreign nationals may use a taxpayer identification (ID) number instead of a social security number regardless of immigration status to obtain a driver's license or	•	•	•	•													02/06/2016	SFC

SFC CLERK RECORDED 03/10/2016

	GENERAL ELECTIONS Relates to elections; allows 17-year-olds who will be 18 by the day of the General Election to vote in the Primary Election or participate in a major party's alternate selection procedure.																			
HB139	<i>Garcia Richard (D43)</i> ECONOMIC DEVELOPMENT ACT: "RETAIL BUSINESS PROJECT" TO INCLUDE LOS ALAMOS Relates to economic development; changes criteria to qualify for retail business projects undertaken through the Local Economic Development Act to include Los Alamos County.	•	•	•														02/08/2016	HCAL	
HB140	<i>Larranaga (R27)</i> NATURAL GAS PUBLIC UTILITY INFRASTRUCTURE EXPANSION Relates to the expansion of a natural gas public utility; provides a method for the recovery of costs; and contemplates a return on the utility's investment in the expansion activity.	•	•															02/05/2016	HAFc	
HB141	<i>Smith (R22)</i> WATER AND WASTEWATER INVENTORY STUDY BY ENVIRONMENT DEPARTMENT Appropriates \$500,000 (GF 2017) to the Department of Environment to inventory unexpended water and wastewater project capital outlay appropriations and report findings and recommendations to DFA and LFC.	•	•															01/28/2016	HAFc	
HB143	<i>Bandy (R3)</i> CONSOLIDATION OF ELECTION DATES (Virtually identical to HGEIC substitute for 2015 HB338) Changes certain special district and political subdivision election dates all to fall on the first Tuesday after the first Monday in November in odd-numbered years, and makes corresponding adjustments to election procedures.	•	•															02/03/2016	HJC	
HB144	<i>Bandy (R3)</i> TWO-TIERED DRIVER'S LICENSE PLUS DRIVER'S CARD (BANDY) (Similar to HB99, relates to HB94 and HB123; relates to 2015 SB653, HB22; 2014 HB127; 2013 SB521) Proposes to reconcile state law with the Federal REAL ID Act of 2005 by authorizing the Taxation and Revenue Department to issue two types of driver's licenses and identification cards that meet federal requirements. (1) The first, compliant with federal requirements, is for U.S. citizens. (2) The second, also compliant, is for foreign nationals with lawful status, with different expiration periods. Also creates (3) a distinct "driver's card" that does not meet federal requirements, for foreign nationals who fail to prove lawful status. Does away with the current blanket provision under which foreign nationals may use a taxpayer identification (ID) number instead of a social security number regardless of immigration status to obtain a driver's license or state identification card. Establishes penalties. (2016:HB99; 2016:HB94; 2016:HB123)	•	•															01/19/2016	HRC	
HB147	<i>Baldonado (R8)</i> HOMEOWNERS ASSOCIATION ACT ENFORCEMENT Appropriates \$150,000 (GF 2017) to the Office of the Attorney General for FY 2017 for enforcement of the Homeowners Association Act.	•	•															01/19/2016	HRPAC	
HB148	<i>Gomez (D34)</i> RESEARCH AND DEVELOPMENT OF INDUSTRIAL HEMP RULES AND FUND (For the Economic and Rural Development Committee) Relates to research and development of industrial hemp and is proposed to bring New Mexico into compliance with federal law. The Department of Agriculture is vested with authority to issue licenses to grow industrial hemp for research and development purposes, including agricultural, agronomic, ecological, processing, sales and marketing research. Although not mentioned in the bill's title, an appropriation derives through creation of a fund.	•	•															01/19/2016	HRC	
HB154	<i>Roybal-Caballero (D13)</i> INCREASED MINIMUM WAGE (Related to HB125; 2015 HB20 and HB138, HB360, SB10, and SB432; 2014 HB213 and HJR9; 2013 HB550, HB668, and SB416.) As of January 1, 2017, raises the New Mexico base minimum wage to \$15 per hour. Starting January 1, 2018 and each succeeding year, indexes the minimum wage by the urban Consumer Price Index to reflect inflation. Eliminates the separate minimum wage for tipped employees. (2016:HB125)	•	•															01/19/2016	HRC	
HB155	<i>McQueen (D50)</i>	•	•															01/19/2016	HRC	

SFC CLERK RECORDED 03/10/2016

	PUBLIC CORRUPTION ACT: PUBLIC OFFICIALS AND CANDIDATES Relates to actions of corruption by public officials; creates various levels of felony penalties for 20 specified acts of corruption; applies to public officials or candidates covered by the Campaign Reporting Act, Governmental Conduct Act, Procurement Code or Election Code and the proposed Public Corruption Act.																		
HB157	<i>Salazar, N. (D40)</i> SERVICES FOR SENIOR CITIZENS Appropriates \$1,999,761 (GF 2017) to the Aging and Long-Term Services Department for FY 2017 to contract with Area Agencies on Aging for services to senior citizens throughout the state, including: adult day care, case management, congregate meals, home-delivered meals, in-home respite services, household services, transportation and senior center services.	•	•															01/28/2016	HAFC
HB158	<i>Armstrong (D17)</i> MEDICAID ELIGIBILITY FOR FAMILY PLANNING, OB-GYN SERVICES AND CONTRACEPTIVE METHODS Authorizes the Secretary of the Human Services Department to adopt rules, in accord with federal law, to ensure that family planning Medicaid coverage is provided to applicants and re-applicants who (1) are eligible on the basis of household income and in accord with the same financial eligibility criteria as those adopted by HSD for Medicaid pregnancy services coverage; (2) are otherwise eligible for family planning Medicaid coverage in accord with federal law; and (3) comply with procedures for applying and maintaining eligibility in accord with HSD rules.	•																01/19/2016	HRC
HB160	<i>Crowder (R64)</i> WASTEWATER SYSTEM FINANCING Appropriates \$1.4 million (nonreverting) from the Public Project Loan Fund to the Wastewater Facility Construction Loan Fund for expenditure in FY 2017 and subsequent fiscal years to provide state matching funds for federal Clean Water Act projects and to carry out the purposes of the Wastewater Facility Construction Loan Act.	•	•	•	•													02/06/2016	SCONC
HB163	<i>Trujillo, C. (D46)</i> HOME ENERGY AND WATER EFFICIENCY INDIVIDUAL INCOME TAX CREDIT (Similar to 2015 HB54 and 2014's HTRC substitute for HB124) For taxable years 2016 through 2021, allows income taxpayers who make improvements to the energy or water efficiency of the taxpayer's primary residence during a taxable year to claim a refundable income tax credit. Tax credit of up to \$4,000 (energy) and up to \$1,000 (indoor water use) varies depending on degree of improvement in efficiency.	•	•															02/01/2016	HWMC
HB167	<i>Ezzell (R58)</i> WATER PROJECT LOANS AND GRANTS (Identical to SB106) Authorizes the New Mexico Finance Authority to make loans or grants from the Water Project Fund to the following qualifying entities for the following qualifying water projects on terms and conditions established by the Water Trust Board and the New Mexico Finance Authority: (2016:SB106)	•	•	•	•													02/04/2016	SCONC
HB170	<i>Larranaga (R27); Padilla (D14)</i> IMPLEMENTING BROADBAND EXPANSION Appropriates \$950,000 (GF 2017) to the Department of Information Technology for FY 2017 to (1) contract for a study for a comprehensive, statewide broadband infrastructure plan, and (2) implement adequate broadband services to high-priority, underserved rural areas.	•	•															02/04/2016	HAFC
HB171	<i>Larranaga (R27); Ingle (R27)</i> RETIRED LAW ENFORCEMENT OFFICERS RETURN TO WORK (Related to 2015 SB466 and SB619; 2014 HB344, HB340, and HB297, among others) Adds an exception in the Public Employees Retirement Act to allow certain retired certified law enforcement officers to return to work without foregoing pension payments, with certain provisos. The retiree's pension, including any cost-of-living adjustments, shall continue to be paid during the period of subsequent employment.	•	•	•														02/05/2016	HCAL
HB172	<i>Egolf (D47)</i> GOVERNOR'S CONTINGENCY FUND Subjects the governor's contingency fund to audit.	•	•															01/19/2016	HRC
HB173	<i>Egolf (D47)</i> WEB-BASED CAPITAL OUTLAY PUBLICATION (Very similar to SB48, related to SB33) Requires Legislative Council Service to publish a web-based list of capital projects approved in each legislative session for each capital outlay appropriation or bond authorization, indicating which legislators, or if	•	•															01/29/2016	HGEIC

	applicable the governor, allotted a portion of their capital outlay allocation to the project, and how much they allocated. (2016:SB48; 2016:SB33)																			
HB174	<i>Egolf (D47)</i> SUSPEND PROPERTY VALUATION FOR COMMERCIAL PROPERTIES Allows a county or municipality to enact an ordinance suspending for ten years property valuations for approved commercial enterprises. Applicants must create jobs, promote industry, trade or other economic activity and any other criteria set by the governing body.	•	•																02/08/2016	HWMC
HB175	<i>Gallegos, David (R61); Dodge (D63)</i> UPS ELECTRICITY ELIGIBLE FOR RENEWABLE ENERGY PRODUCTION TAX CREDIT (Identical to SB104) (Similar to 2014 HB233, SB191; 2015 HB242, SCORC/SB242) Amends both the personal and corporate income tax renewable energy tax credits to allow geothermal energy as a qualifying energy source and to provide additional tax credit amounts.	•	•																01/28/2016	HWMC
HB189	<i>Hall, J. C. (R28)</i> NEW MEXICO FRESH PRODUCE FOR SCHOOL MEALS (Related to 2016 HB115 and SB82) Appropriates \$1.4 million (GF 2017 nonreverting) to the Public Education Department for FY2017 and subsequent fiscal years to purchase and distribute New Mexico-grown fresh fruits and vegetables to school districts, charter schools and juvenile detention facilities through the PED school meal programs and for a full-time-equivalent position to administer and promoted this initiative. (2016:SB82; 2016:HB115)	•	•																02/03/2016	HAFC
HB196	<i>Salazar, T. (D70)</i> REGIONAL WATER UTILITY AUTHORITY ACT (Very Similar to 2015 SB550) (Related to 2015 SB63; 2014 SB112 and SB198) Cited as the Regional Water Utility Authority Act, a 44-page bill filled with procedural requirements, authorizes the creation of regional water authorities to enhance activities related to:	•	•																01/28/2016	HAWC
HB200	<i>Espinoza (R59)</i> NO PUBLIC WORKS MINIMUM WAGE ON ROADS & EDUCATION INSTITUTIONS (Conflicts with HB110; Similar to 2015 HB80 and HB55 as substituted in HTPW) Removes from the operation of the Public Works Minimum Wage Act contracts and projects for public roads and educational institutions.	•	•	•	•														02/03/2016	HCAL
HB206	<i>Brown (R55)</i> DESIGN-AND-BUILD FOR FEDERAL-AID HIGHWAYS Amends the Procurement Code to apply existing design and build project delivery authority for road and highway projects to federal-aid highways.	•	•	•	•														02/06/2016	SCORC
HB210	<i>Harper (R57)</i> REVISES LIMITATIONS ON ANNUAL INCREASE OF RESIDENTIAL PROPERTY VALUATION For the 2016 and subsequent property tax years, hikes the annual limitation on residential valuation increases from 3 percent to 7 percent. This limitation applies, however, regardless of whether the residential property changes hands during the prior year.	•	•																01/22/2016	HRC
HB211	<i>Harper (R57)</i> STATE PREEMPTS LOCAL REGULATION OF PRIVATE SECTOR EMPLOYEE WAGES AND HOURS Bars local governments (e.g., City of Santa Fe) from mandating that an employer pay a wage higher than the New Mexico minimum wage; repeals the existing statutory grandfathering of such local laws in effect on January 1, 2007.	•	•																02/01/2016	HBEC
HB218	<i>Powdrell-Culbert (R44)</i> ECONOMIC DEVELOPMENT GRANT FUND Appropriates \$2.25 million (GF nonreverting) to the Economic Development Grant Fund to implement the Economic Development Grant Act. The funds are for use in FY 2017 and subsequent fiscal years.	•	•																02/04/2016	HAFC
HB219	<i>Harper (R57)</i> STATEWIDE GOVERNMENT PROJECTS: SEVERANCE TAX BOND PROCEEDS Authorizes issuance of severance tax bonds; clarifies conditions for issuance of bonds; establishing conditions for expenditure of bond proceeds; establishes conditions for the reversion of unexpended balances; makes appropriations.	•	•																01/22/2016	HWMC
HB229	<i>Scott (R62)</i>	•	•	•	•														02/08/2016	HPASS

SFC CLERK RECORDED 03/10/2016

	<p>AND DEDUCTIONS</p> <p>Prohibits the claiming on or after January 1, 2017 of over a dozen individual and corporate income tax deductions and tax credits, and repeals the authorizing statutes on January 1, 2018. Repeals as of July 1, 2016 nearly 30 gross receipts exemptions, deductions and tax credits.</p>										
IIB326	<p><i>Townsend (R54)</i></p> <p>MEDICAL CANNABIS: LOCAL APPROVAL OF PROPOSED LOCATION OF PRODUCER</p> <p>Amends the Lynn and Erin Compassionate Use Act to provide for local approval of a proposed location for a licensed producer.</p>	•	•							02/03/2016	HRC
IJR9	<p><i>Bandy (R3); Tripp (R49)</i></p> <p>CONVENTION OF STATES</p> <p>(Identical to 2015 IJR 10, IJR19; 2014 IJR2) The measure is an application by the New Mexico Legislature to the Congress for the calling of a federal constitutional convention as provided in Article V of the U.S. Constitution to propose amendments that impose fiscal restraints on the federal government, limit its power and jurisdiction and limit the terms of office for federal officials and Members of Congress.</p>	•	•	•	•	•				01/29/2016	SRC
HM67	<p><i>Trujillo, J. (D45)</i></p> <p>SANTA FE COUNTY DAY</p> <p>Recognizes the residents, past and present, of Santa Fe County for their contributions in creating an inclusive environment honoring the county's diverse cultures and traditions, and declares February 16, 2016 to be "Santa Fe County Day" in the House of Representatives.</p>	•								02/02/2016	STABLE

**Resolution Senate items
PROGRESS REPORT**

BILL	DESCRIPTION	House 1				House 2				PL/Chap	Last Action	Status
		I	C	RC	P	C	RC	P	G			
SB30	<i>Cisneros (D6); James (R24)</i> CREATES ADVANCED MAPPING FUND Relates to water; creates the Advanced Mapping Fund; provides for advanced mapping by the Department of Transportation, including for the Rio Grande Trail; makes an appropriation.	•	•								02/02/2016	SFC
SB82	<i>Cisneros (D6); Steinborn (D35)</i> NORTH- & SOUTH-CENTRAL N.M. SCHOOLS FARM LUNCH PROGRAM (Duplicate of 2016 HB0115) Appropriates \$90,000 (GF 2017, nonreverting) to NMSU's board of regents for use in 2017 and subsequent fiscal years for the Department of Agriculture to expand its program that provides locally grown fresh fruits and vegetables for public school lunch programs to school districts in north-central and south-central New Mexico in areas with farmer training programs. (2016:HB115)	•	•								01/25/2016	SEC

SFC CLERK RECORDED 03/10/2016

**Related Senate items
PROGRESS REPORT**

BILL	DESCRIPTION	House 1				House 2				PL/Chap	Last Action	Status
		I	C	RC	P	C	RC	P	G			
SB2	<i>Sanchez, M. (D29); Roybal-Caballero (D13)</i> AUTOMATIC VOTER REGISTRATION WITH DRIVER'S LICENSE APPLICATION Mandates automatic voter registration for an applicant for a driver's license, identification card or renewal of a driver's license, unless the applicant affirmatively declines to be registered or is not eligible to vote, for instance, because the applicant is not a US citizen. Provides for automatic pre-registration for minor applicants and establishes procedures for the Secretary of State. (Similar to 2012 HB 92)	•	•								01/19/2016	SRC
SB10	<i>Padilla (D14)</i> RESIDENT BUSINESS SET-ASIDE ACT (Very similar to 2015 SB 69) Creates the Resident Business Set-Aside Act, requiring each contracting state agency to award at least 33 percent of its contracts to resident businesses.	•	•								02/08/2016	SCORC
SB13	<i>Stewart (D17); Maestas Barnes (R15)</i> SOLAR MARKET DEVELOPMENT TAX CREDIT INCREMENTAL REDUCTIONS (Identical to HB26, 2016; SB391, 2015) Increases the allowable maximum annual aggregate of the solar market development tax credit from \$3 million to \$5 million. Incrementally extends the life of the solar market development tax credit until January 1, 2025; incrementally reduces the amount of the credit from 10% down to 5% from 2016 until January 1, 2025; and combines the solar thermal systems and photovoltaic systems aggregate caps into one aggregate cap. (2016:HB26)	•	•								01/26/2016	SCORC
SB19	<i>Payne (R20)</i> DISASTER RESPONSE BUSINESS AND EMPLOYEE LICENSURE AND TAX EXEMPTIONS Exempts disaster- or emergency-related out-of-state businesses and employees from state taxation and state licensing or registration requirements while responding to a declared state disaster or emergency.	•	•	•	•						02/05/2016	HWMC
SB22	<i>Wirth (D25); Harper (R57)</i> TAXATION OF IN-STATE SALES OF INTANGIBLES AND SERVICES (For the Revenue Stabilization and Tax Policy Committee) Amends the Uniform Division of Income for Tax Purposes Act to determine in-state sales of intangibles and services based on market sourcing rather than cost of performance.	•	•								02/04/2016	SFC
SB33	<i>Cisneros (D6)</i> CAPITAL OUTLAY PLANNING AND MONITORING ACT (Similar to 2014 SB162) Cited as the Capital Outlay Planning and Monitoring Act, creates the Capital Outlay Planning Council, and requires the Legislative Finance Committee working with the Council to prepare and annually update a five-year state capital improvements plan and to publish annual capital project guidelines. Requires every state agency responsible for capital projects to file quarterly status reports with the LFC on appropriations and expenditures. Appropriates \$1.2 million (GF) for FY 2017 to the LFC and the State Auditor to implement the act.	•	•								01/20/2016	SCC
SB35	<i>Kernan (R42)</i> RETIREE HEALTH CARE CONTRIBUTION RATES (Identical to 2016 HB58; 2015 HB436 and SB169) Proposes to amend the Retiree Health Care Act by increasing the employer and employee contribution rates paid to the Retiree Health Care Fund. (2016:HB58)	•	•								01/27/2016	SFC
SB44	<i>Padilla (D14)</i> PROTECTION ORDER GPS TRACKING PILOT PROJECT AND APPROPRIATION Amends the Family Violence Protection Act to create a pilot project in the Second Judicial District to assess the effectiveness of using a global positioning tracking system to monitor exclusion zones established under an order of protection. Appropriates \$150,000 (GF) to the Second Judicial District for FY 2017 through 2019 to carry out the project.	•	•								01/20/2016	SCC
SB47	<i>Sanchez, C. (D30)</i> PROPERTY TAX VALUATION OF ELECTRIC UTILITY EXPANSION,	•	•								02/04/2016	SFC

	IMPROVEMENT OR REPLACEMENT Relates to taxation of property used for the generation, transmission or distribution of electric power or energy. Provides that a contribution made to a utility for the expansion, improvement or replacement of service or facility of the utility shall not be subject to valuation for property tax purposes.																												
SB53	<i>Rodriguez (D24)</i> SANTA FE LAW ENFORCEMENT ASSISTED-DIVERSION PROGRAM FUNDS (For the Legislative Health and Human Services Committee) Appropriates \$300,000 (GF 2017) to DFA's Local Government Division for general support for law-enforcement-assisted diversion in the City of Santa Fe.	•	•																	01/28/2016	SFC								
SB56	<i>Rodriguez (D24)</i> LOCAL GOVERNMENT TREASURER INVESTMENTS (Similar to 2015 SB175) Relates to public finance; clarifies types of investments in which county and municipal treasurers may invest public money; makes technical correction.	•	•																		02/06/2016	SCORC							
SB59	<i>Rodriguez (D24)</i> TAX INCREMENT DEVELOPMENT DISTRICT NOTICE TO TREASURERS Relates to taxation; requires that the county treasurer in which a tax increment development district is formed be notified of formation.	•	•																			01/20/2016	SCC						
SB66	<i>Ortiz y Pino (D12)</i> BEHAVIORAL HEALTH EMT TRAINING Relating to emergency services; Provides for behavioral health services training enhancement for emergency medical technicians; Makes an appropriation.	•	•																				01/27/2016	SFC					
SB72	<i>Ingle (R27)</i> LIMIT ON NUISANCE CLAIMS FOR FARMING (Related to 2015 HB564, SB307, SB348) Amends the Right to Farm Act to bar a property holder's right to bring a nuisance claim against a previously established agricultural operation or facility unless that operation or facility has substantially changed in the nature or scope of its operations.	•	•																					02/02/2016	SJC				
SB91	<i>Ingle (R27)</i> UNIFORM LAWS FOR TRUSTS & PROBATE (Merges provisions of 2015 SB60 and HB183) This 88-page bill proposes to enact new uniform measures related to trusts and probate. Proposes to enact the Uniform Powers of Appointment Act (UPAA) to codify the law related to creation, revocation and amendment of powers of appointment. Proposes to enact the Uniform Trust Decanting Act (UTDA) to allow for changing outdated terms of an otherwise irrevocable trust. Revises the Rule against Perpetuities to exclude a property interest held in trust, and provide for distribution of the interest 365 years after the later of the date that the interest is added to or purchased by the trust or that the trust becomes irrevocable. Makes technical and conforming changes to the Uniform Probate Code and the Uniform Trust Code. Amends the Uniform Probate Code regarding notice, time for presentation of claims, penalties, and closing of an estate.	•	•																						02/01/2016	SCORC			
SB94	<i>Soules (D37)</i> LOCAL OPTION FOR RESTAURANTS TO SELL NEW MEXICO-PRODUCED DISTILLED SPIRITS Relates to the sale of New Mexico-produced distilled spirits and the sale of beer and wine at restaurants subject to voter approval at the local level.	•	•																							01/20/2016	SCC		
SB122	<i>Cisneros (D6)</i> 2016 CAPITAL PROJECTS GENERAL OBLIGATION BOND ACT Authorizes the issuance and sale of capital projects General Obligation Bonds for senior citizen facility improvements and acquisitions, for library acquisitions, for pre-kindergarten classroom capital improvements and school bus acquisitions, for capital improvements and acquisitions for public safety, capital improvements and acquisitions at institutions of higher learning, state special schools and tribal schools; and provides a tax levy for payment of principal and interest on certain costs related to the bonds. Requires voter approval at the 2016 General Election.	•	•																								01/25/2016	SFC	
SB140	<i>Papen (D38)</i> ISOLATED CONFINEMENT ACT (Similar to 2015 HB376) Creates the Isolated Confinement Act, and restricts the use of isolated confinement for inmates younger than 18 years and those with a serious mental illness. Requires all correctional facilities to make reports to the county and the Legislature four times annually. Defines terms specific to the act. Appropriates \$25,000 (GF 2017) to the Corrections Department for FY 2017 and \$75,000 (GF 2017) to the	•	•																									01/21/2016	SCC

SFC CLERK RECORDED 03/10/2016

	DISTRIBUTIONS FOR LOCAL PROJECTS Raises the rates of the state gasoline and special (diesel) fuel taxes on July 1, 2019 by five cents/gallon and by one cent/gallon each July 1 thereafter until July 1, 2025. At this point the rates would be 27 cents/gallon for gasoline and 31 cents/gallon for special fuel. From July 1, 2025 on, the tax rates would be adjusted annually according to a federally calculated price index.																			
SB293	<i>Campos, P. (D8)</i> CAPITAL OUTLAY PLANNING AND MONITORING ACT (Related to SB33 and HB307; identical to 2015 SB430) Proposes the Capital Outlay Planning and Monitoring Act to increase fiscal and programmatic scrutiny of capital outlay expenditures; reorganizes DFA by transferring some capital project planning responsibilities, functions and related assets from the Capital Projects Bureau to a new Capital Outlay Planning and Monitoring Division within DFA. Also eliminates some DFA responsibilities. (2016:SB33; 2016:HIB307)	•	•															02/06/2016	SPAC	
SJR1	<i>Wirth (D25); Maestas (D16)</i> DENIAL OF BAIL FOR CERTAIN FELONY CASES Proposes to amend Article 2, Section 13, of the state Constitution to grant courts of record new authority to deny release on bail pending trial for dangerous defendants in felony cases. Retains and expands the right to pretrial release for nondangerous defendants.	•	•	•	•														02/05/2016	HJC
SJR5	<i>Ortiz y Pino (D12)</i> CA: VOTERS TO DECIDE MARIJUANA POSSESSION AND PERSONAL USE (Conflicts with SJR6) Proposes to amend Article 20 of the state Constitution to allow for possession and personal use of marijuana; to require enactment of legislation to regulate production, processing, transportation, sale and taxation of marijuana and hemp; and to require the revenues generated to be used for Medicaid or drug and alcohol rehabilitation programs.	•	•																01/21/2016	SRC
SJR6	<i>Ortiz y Pino (D12)</i> CA: VOTERS TO DECIDE MARIJUANA POSSESSION AND PERSONAL USE (Conflict with SJR5) Proposes to amend Article 20 of the state Constitution to allow for possession and personal use of marijuana, and to require enactment of legislation to regulate production, processing, transportation, sale and taxation of marijuana and hemp. (This proposal does not contain provision from SJR5 to dedicate revenues for Medicaid or drug and alcohol rehabilitation programs.)	•	•																01/21/2016	SRC
SJR14	<i>Ivey-Soto (D15)</i> CA: LIMITS VALUATION INCREASES ON REAL PROPERTY IN ECONOMIC DEVELOPMENT ZONES In addition to the existing limitation on valuation increases for residential property, this proposes an amendment to Article 8, Section 1 of the Constitution, to allow the Legislature to provide by law for limitations on annual increases in valuation for property tax purposes on real property—residential, commercial, industrial, agricultural or other—if the property is located in an area of a county (1) meeting statutory requirements for economic development or revitalization and (2) designated as an economic development or revitalization zone by the board of county commissioners of the county.	•	•																02/03/2016	SJC
SJR16	<i>Brandt (R40)</i> VOTER CONSENT TO ELIMINATE TERM LIMITS FOR COUNTY SHERIFFS (Identical to 2015 SJR10) Proposes to eliminate term limits for county sheriffs.	•	•																01/27/2016	SRC
SJR18	<i>Soules (D37)</i> VOTER CONSENT TO STATE MINIMUM WAGE WITH COLA Proposes to amend Article 20 of the state Constitution to establish that, as of July 1, 2017 the state minimum wage rate in effect on January 1, 2016 shall be increased in an amount equal to the increase in the cost of living from January 1, 2009 through December 31, 2015, and shall be adjusted every January 1 thereafter by the increase in the costs of living, but no more than four percent annually.	•	•																02/01/2016	SRC
SM33	<i>Rodriguez (D24)</i> SANTA FE COUNTY DAY Declares February 16, 2016 to be “Santa Fe County Day” in the New Mexico Senate.	•																	01/25/2016	PTABLE

Legislative Items NMAC tracking and actions

New Mexico Association of Counties

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NMAC Board of Directors Meeting 2/6/2016 (2016 Reg)

2016 Legislative Action Items

31 Counties represented (No Eddy, Valencia) 2/3 majority vote = 21 votes or 2/3 of votes cast

SFC CLERK RECORDED 03/10/2016

Bill: **HB233 Motion:** to oppose substitute bill HB233-**PASSED** 30 w/1 county against Sandoval; Letter to be drafted to Rep. Harper before Monday to explain the position.

Sponsors: Harper (R57)

Title: CAPS FOOD AND MEDICAL HOLD-HARMLESS DISTRIBUTIONS; RE-ROUTES MVET PROCEEDS

Analysis: Introduced 01/25/2016 — (Similar in part to 2015 HB421 and 2014 HB132) Ensures that municipalities and counties cannot receive more revenue from a combination of hold harmless tax revenue plus hold-harmless distribution than the gross receipts tax revenue the government would have received had the food and medical deductions not existed. Also phases in a transfer of motor vehicle excise tax revenues from the state General Fund to the State Road Fund and Local Governments Road Fund.

Oppose

Allows small municipalities (under 10,000 in population) and small counties (those under 48,000) to continue receiving an undiminished hold harmless distribution (that is, an “applicable maximum distribution”) from the state if the municipality or county has not imposed a hold harmless gross receipts tax. Other municipalities and counties (both the large municipalities and counties and the small municipalities and counties that have imposed a hold harmless gross receipts tax) will receive a hold harmless distribution equal to the lesser of (1) the applicable maximum distribution minus receipts from the hold harmless tax or (2) the applicable maximum distribution reduced by the phase-out percentage for the period.

Defines “applicable maximum distribution” as the sum of the total gross receipts deductions under Section 7-9-92 (food) and 7-9-93 (medical) reported by taxpayers from the municipality or county times the municipality’s or county’s current gross receipts tax rate (for small municipalities or counties) or the municipality’s or county’s gross receipts tax rate in effect January 1, 2007 (for large municipalities or counties).

Currently 100 percent of the revenue from the motor vehicle excise tax is deposited into the state General Fund. Phased in over seven years (starting in fiscal year 2017 and ending in fiscal year 2022), the motor vehicle excise tax revenues would instead be sent to the State Road Fund (60 percent) and the Local Governments Road Fund (40 percent).

Subjects: Taxation, Fees and Audits; County Affairs; Municipalities/City Government; Transportation; State Affairs and State Agencies; Public Finance and Budgets

Position: Oppose

Bill: **HB229 Motion 1:** to oppose HB229/SB47 as written-**PASSED** w/24 & 7 counties against Chaves, Lincoln, Luna, Quay, Sierra, Socorro, Union. **2: Substitute motion** to take no position as written-**FAILED Motion 3:** to reconsider the motion: **PASSED** 16 w/14 counties against Bernalillo, Catron, Curry, Harding, Hidalgo, Los Alamos, Otero, Rio Arriba, Roosevelt, San Miguel, Sandoval, Santa Fe, Taos, Torrance **Motion 4:** to take not position-**FAILED** 20 w/11 counties against Bernalillo, Catron, Harding, Hidalgo, Otero, Roosevelt, San Miguel, Sandoval, Santa Fe, Taos, Torrance **Motion 1 stands**

Sponsors: Scott (R62)

Title: VALUATION OF PROPERTY USED TO GENERATE ELECTRICITY

Analysis: Introduced 01/25/2016 — Limits the term “tangible property cost” (the starting point for valuation) to the actual cost of acquiring or constructing property to the utility generating, transmitting or distributing electric power. The Taxation and Revenue Department shall not include in the valuation the value of funds or property contributed to the utility for expansion, improvement or replacement of service or facility.

Oppose

Subjects: Taxation, Fees and Audits; Business, Manufacturing and Economic Development; Utilities; State Affairs and State Agencies

Bill: **SB47**

Sponsors: Sanchez, C. (D30)

Title: PROPERTY TAX VALUATION OF ELECTRIC UTILITY EXPANSION, IMPROVEMENT OR REPLACEMENT

Analysis: Prefiled 01/19/2016 — Relates to taxation of property used for the generation, transmission or distribution of electric power or energy. Provides that a contribution made to a utility for the expansion, improvement or replacement of service or facility of the utility shall not be subject to valuation for property tax purposes. In determining property tax for a utility, prohibits the Taxation and Revenue Department (TRD) from valuing the following:

Same as above

- property contributed to a utility for the expansion, improvement or replacement of service or facility of the utility; and
- that portion of property that is acquired or constructed with funds contributed to a utility for the expansion, improvement or replacement of service or facility of the utility.

The definition of “tangible property cost” is revised to mean the actual cost of acquisition or construction of property “to the utility generating, transmitting or distributing electric power,” including additions, retirements, adjustments and transfers, but without deduction of related accumulated provision for depreciation, amortization or other purposes.

Makes other structural changes in the special method of valuation by moving language around that relates to reductions for depreciation and other justifiable factors that include functional and economic obsolescence, but there is no change in substance.

Applies to taxable years beginning on or after January 1, 2016.

Subjects: Utilities; Taxation, Fees and Audits; Business, Manufacturing and Economic Development; Construction and Materials; Energy Resources and Chemicals; Environment and Pollution

Bill: **HB58 Motion** to oppose HB58-**PASSED** unanimously
Sponsors: Salazar, T. (D70); Roch (R67)
Title: RETIREE HEALTH CARE CONTRIBUTION RATES
Analysis: Prefiled 01/19/2016 — (Identical to 2015 HB436 and SB169) Proposes to amend the Retiree Health Care Act by increasing the employer and employee contribution rates paid to the Retiree Health Care Fund.

Oppose

For participating employees who are not members of an enhanced retirement plan, the employer's contribution shall equal:

- 2.0 percent of each participating employee's salary through June 30, 2017;
- 2.25 percent of each participating employee's salary from July 1, 2017 through June 30, 2018;
- 2.5 percent from July 1, 2018 through June 30, 2019; and
- 2.75 thereafter.

For participating employees who are members of an enhanced retirement plan, the employer's contribution shall equal:

- 2.5 percent of each participating employee's salary through June 30, 2017; and
- 2.813 percent of each participating employee's salary from July 1, 2017 through June 30, 2018;
- 3.125 percent from July 1, 2018 through June 30, 2019; and
- 3.438 percent thereafter.

For participating employees who are not members of an enhanced retirement plan, the employee's contribution shall equal:

- 1.0 percent of salary through June 30, 2017;
- 1.125 percent of salary from July 1, 2017 through June 30, 2018;
- 1.25 percent from July 1, 2018 through June 30, 2019; and
- 1.375 percent thereafter.

For participating employees who are members of an enhanced retirement plan, the employee's contribution shall equal:

- 1.25 percent June 30, 2017;
- 1.406 percent of each participating employee's salary from July 1, 2017 through June 30, 2018;
- 1.563 percent from July 1, 2018 through June 30, 2019; and
- 1.719 percent thereafter.

As defined in existing statute, "member of an enhanced retirement plan" means a member of: State Police Member and Adult Correctional Officer Member Coverage Plan 1; Municipal Police Member Coverage Plan 3, 4 or 5; Municipal Fire Member Coverage Plan 3, 4 or 5; or Municipal Detention Officer Member Coverage Plan 1; any member pursuant to the provisions of the Judicial Retirement Act.

Subjects: Public Employees/Retirement; Insurance; State Affairs and State Agencies

Bill: **HB211 Motion:** to refer amended HB211 to Executive Committee to look at amended bill-**PASSED** unanimously
Sponsors: Harper (R57)
Title: STATE PREEMPTS LOCAL REGULATION OF PRIVATE SECTOR EMPLOYEE WAGES AND HOURS
Analysis: Introduced 01/22/2016 — Bars local governments (e.g., City of Santa Fe) from mandating that an employer pay a wage higher than the New Mexico minimum wage; repeals the existing statutory grandfathering of such local laws in effect on January 1, 2007.

No Position -
Refer to EC

Also prohibits:

• local regulation of private-sector employer and employee relations if the local law exceeds New Mexico or federal requirements,

• any local regulation of hours, scheduling or leave a private-sector employer provides its employees or

• any requirement that the private-sector employer provide an employee paid or unpaid leave, a fringe benefit or a benefit for which the employer would incur an expense.

HRPAC Committee Report 02/01/2016 — HRPAC amendments to HB211 allow political subdivisions to adopt or continue in effect a law, policy or resolution that prohibits employment discrimination.

Subjects: Labor; County Affairs; Municipalities/City Government

Bill: **HB302 Motion:** to oppose-PASSED 25 w/6 counties against Bernalillo, Catron, Harding, Sierra, Socorro; 1 abstained Chaves

Sponsors: Fajardo (R7)

Title: DWI GRANT PROGRAM REORGANIZATION

Analysis: Introduced 02/02/2016 — Transfers responsibility for administration of the Local DWI Grant Program to the Behavioral Health Services Division of the Human Services Department from DFA's Local Government Division, replaces the DFA Secretary with the HSD Secretary or designee on the DWI Grant Council, and changes the definition of alcohol-related injury crashes for purposes of computing county eligibility for grants.

Oppose

All functions, records, appropriations, contract funds, funds for contract administration, staff, training and other costs, money, property, equipment and supplies related to the Local DWI Grant Program are transferred to the Human Services Department from DFA; makes contractual obligations of the program binding on HSD; and declares that rules governing the program shall be deemed rules of HSD.

The definition of "alcohol-related injury crashes" is changed to mean "the annual number of alcohol-related injury crashes during the most recent year for which a full year's data are available," rather than the current definition, the average number during the period from January 1, 2000 and December 31, 2002. This number becomes the numerator in a calculation whose denominator is the total alcohol-related injury crashes in the state. That percentage in turn is averaged with the percentage that a county's retail trade gross receipts represents of the total retail trade receipts for the state. The result determines each county's share of the DWI program distribution.

Subjects: Alcohol, Firearms and Tobacco Products; State Affairs and State Agencies

Bill: **HJR13a Motion:** to oppose HJR13a-PASSED w/1 county abstained Lincoln

Sponsors: Adkins (R29)

Title: CONSTITUTIONAL AMENDMENT: CERTAIN DANGEROUS DEFENDANTS DENIED BAIL

Analysis: Introduced 01/21/2016 — Proposes an amendment to Art. 2, Sec. 13 of the Constitution to protect community safety by granting courts new authority to deny release on bail pending trial in felony cases for dangerous defendants and to ensure defendant's appearance. Measure subject to voter approval at next General Election.

Oppose

Declares that pre-trial bail may be denied by any court of record for a defendant charged with a felony if the prosecuting authority requests a hearing and proves by clear and convincing evidence that no release conditions will ensure the appearance of the defendant and protect the safety of any other person or the community.

Replaces the existing rule limiting denial of bail by a district court to no more than 60 days after incarceration of a defendant (1) accused of a felony and who has been previously convicted of two or more felonies or (2) accused of a felony involving the use of a deadly weapon and who has a prior felony conviction. In the latter case, the period of incarceration without bail may be extended if trial is delayed by motion for a continuance by the defendant.

HJC Committee Report 02/02/2016 — HJC amendments to HJR13 strengthen the ability of the prosecuting attorney seeking denial of bail by reducing the burden of proof. The prosecuting attorney, instead of having to prove that no release conditions will reasonably both (1) guarantee the appearance of the defendant and (2) protect the safety of any other person, has to prove only that bail will fail either of the two criteria. The court denying bail need not be a "court of record".

HJR moves to House temporary calendar.

Subjects: Constitutional Issues and Amendments; Courts and Civil Matters; Criminal Code; Public Safety and Corrections; State Affairs and State Agencies; County Affairs; Municipalities/City Government

Bill: **SB294 Motion:** to support-PASSED w/1 county against Bernalillo

Sponsors: Cisneros (D6)

Title: TAX EXEMPTION FOR SALE OF ACCESS TO PRIVATE LAND FOR HUNTING OR FISHING

Analysis: Introduced 02/03/2016 — Exempts from gross receipts as of July 1, 2016 receipts from sale by the landowner of access to private land if the purpose of the access is for hunting and fishing.

Support

Taxation and Revenue Department over the last 15 years or so has been insisting that such receipts are taxable. Taxation, Fees and Audits; County Affairs; Municipalities/City Government; Agriculture and Ranching; Land, Housing and Real Estate

Bill: **HB246 Motion:** to support-PASSED w/1 county against De Baca

Sponsors: Stapleton (D19)

Title: HSD BEHAVIORAL HEALTH INTERVENTIONS FOR ADULTS AND JUVENILES

Analysis: Introduced 01/27/2016 — Appropriates \$250,000 (GF 2017) to the Behavioral Health Services Division of the Human Services Department to provide targeted, individualized interventions for nonviolent adult and juvenile offenders who have behavioral health diagnoses.

Support

The interventions shall connect that population to resources and services that reduce the likelihood of recidivism, detention and incarceration, such as supportive housing, public assistance, medical assistance, behavioral health therapy and employment training.

Subjects: Appropriations; Human Services; Family and Juveniles; Health and Medical Practice; State Affairs and State Agencies

Assessors Affiliate Action Items

Bill: **HB174 Motion:** to oppose HB174, HB210, & SJR14-**PASSED** unanimously

Sponsors: Egolf (D47)

Title: SUSPEND PROPERTY VALUATION FOR COMMERCIAL PROPERTIES

Analysis: Prefiled 01/19/2016 — Allows a county or municipality to enact an ordinance suspending for ten years property valuations for approved commercial enterprises. Applicants must create jobs, promote industry, trade or other economic activity and any other criteria set by the governing body.

Oppose

Applicants must own property in the county or municipality, plan to develop a commercial enterprise on that property and meet the criteria of the ordinance. An appeal process must be set in the ordinance for those whose applications are denied.

The county assessor is to be notified of approved applicants. The assessor then freezes the property's valuation at its current and correct value in the tax year before the project begins.

The term "commercial enterprise" includes multi-unit residential property but not single-family residential property.

Subjects: Taxation, Fees and Audits; Land, Housing and Real Estate; Business, Manufacturing and Economic Development; County Affairs

Bill: **HB210**

Sponsors: Harper (R57)

Title: REVISES LIMITATIONS ON ANNUAL INCREASE OF RESIDENTIAL PROPERTY VALUATION

Analysis: Introduced 01/22/2016 — For the 2016 and subsequent property tax years, hikes the annual limitation on residential valuation increases from 3 percent to 7 percent. This limitation applies, however, regardless of whether the residential property changes hands during the prior year.

Oppose

Subjects: Taxation, Fees and Audits; Land, Housing and Real Estate; County Affairs; Family and Juveniles

Bill: **SJR14**

Sponsors: Ivey-Soto (D15)

Title: CA: LIMITS VALUATION INCREASES ON REAL PROPERTY IN ECONOMIC DEVELOPMENT ZONES

Analysis: Introduced 01/21/2016 — In addition to the existing limitation on valuation increases for residential property, this proposes an amendment to Article 8, Section 1 of the Constitution, to allow the Legislature to provide by law for limitations on annual increases in valuation for property tax purposes on real property—residential, commercial, industrial, agricultural or other—if the property is located in an area of a county (1) meeting statutory requirements for economic development or revitalization and (2) designated as an economic development or revitalization zone by the board of county commissioners of the county.

Oppose

Subjects: Taxation, Fees and Audits; Constitutional Issues and Amendments; Business, Manufacturing and Economic Development; Agriculture and Ranching; Land, Housing and Real Estate; State Affairs and State Agencies; Municipalities/City Government; County Affairs

Clerks Affiliate Action Item

Bill: **HB143 Motion:** to support HB143-**PASSED**-unanimously

Sponsors: Bandy (R3)

Title: CONSOLIDATION OF ELECTION DATES

Analysis: Prefiled 01/19/2016 — (Virtually identical to HGEIC substitute for 2015 HB338) Changes certain special district and political subdivision election dates all to fall on the first Tuesday after the first Monday in November in odd-numbered years, and makes corresponding adjustments to election procedures.

Support

Applies to elections for school districts, special taxes imposed for special hospital districts, special hospital districts, community college boards, school bonds, flood control districts, conservancy district, soil and water conservation districts, and water and sanitation districts

The date for filing proclamations calling school district and community college elections is moved to the last Tuesday in August. The filing date for school board candidates is moved to the third Tuesday in September; the

deadline to declare as a write-in candidate is 42 days before the election date.
 The deadline to file a resolution for an Albuquerque Metropolitan Arroyo Flood Control or Eastern Sandoval County Arroyo Flood Control election is moved to 70 days before the proposed election date. The proclamation for a middle Rio Grande Conservancy District election is likewise required 70 days prior to the election. The deadline for nomination for Las Cruces Arroyo Flood Control and Southern Sandoval County Flood Control directors, as well as for conservancy districts, is specified as 49 days before the election. Dates for organizational meetings for flood control districts are also changed to correspond with the new election dates.
 Voting hours for conservancy districts are changed to 7:00 a.m. until 7:00 p.m.
 Terms of office are moved to correspond to the new election dates. Clarifies that persons elected prior to the effective date of this act shall serve the rest of the terms to which they were elected.
 Repeals Sec. 21-16-21, which pertains to vocational and technical school special elections.

HGEIC Committee Report 02/03/2016 — HGEIC amendments to HB143 change the effective date of the act from July 1, 2016 to July 1, 2018; and postpones the operative dates for the consolidated elections by two years—in the case of elections held in even-numbered years, to 2018; and in the case of elections held in odd-numbered years, to 2019.

A provision in existing law is deleted that allows a Soil and Water Conservation District, when it is indebted to the United States or the state or any of their agencies including the New Mexico Finance Authority, to renew an assessment for a period not to exceed the maturity date of the indebtedness by resolution and without a referendum. This deletion is reflected by a change in the title of the bill.

Bill goes to HJC.

Subjects: Higher Education; Water; Health and Medical Practice; Schools and Teachers; State Affairs and State Agencies; Elections; Environment and Pollution; Taxation, Fees and Audits

Health Services Affiliate Action Items

Bill: **HB109 Motion:** to support HB109, SB40-**PASSED** unanimously
Sponsors: Clahchischilliage (R4)
Title: DOH FUNDS TO IDENTIFY TRIBAL AND COUNTY HEALTH COUNCILS
Analysis: Prefiled 01/19/2016 — Appropriates \$70,000 (GF 2017) to the Department of Health, DOH, to fund county and tribal health councils' identification of local communities' health needs and development of strategies to address those needs pursuant to the Maternal and Child Health Plan Act.

Support

Subjects: Appropriations; County Affairs; Indians; State Affairs and State Agencies

Bill: **SB40**
Sponsors: Morales (D28)
Title: LOCAL AND TRIBAL COMMUNITY HEALTH NEEDS
Analysis: Prefiled 01/19/2016 — Appropriates \$700,000 (GF 2017) to the Department of Health to fund county and tribal health councils' identification of local communities' health needs and development of strategies to address those needs pursuant to the Maternal and Child Health Plan act.

Support

Subjects: Appropriations; Health and Medical Practice; Indians; County Affairs

Bill: **SM37 Motion:** to support SM37-**PASSED** unanimously (Tasia/Scott A. to work on including language that counties will be consulted)
Sponsors: Sanchez, M. (D29)
Title: LFC STUDY ON HOSPITAL FINANCIAL ASSISTANCE PRACTICES
Analysis: Introduced 01/25/2016 — Asks the LFC to direct its staff to conduct a study on the collection, billing, charging and financial assistance practices of all the hospitals in New Mexico and to recommend improvements to the state's indigent care system.

Support

The call for the study is based on a number of declarations that include:

- 13.1% of the state's population being uninsured;
- there being a number of residents without insurance coverage due to hardship;
- the uninsured forgoing health care services, having less access to preventive care and behavioral health services, and the likelihood of incurring medical debt that may lead to bankruptcy;
- health insurance remaining unaffordable for low-income facilities with incomes less than 200% of the Federal poverty level;
- the many hospitals receiving public funds from state and federal governments who have an obligation to serve and provide care to uninsured residents;
- the requirement for hospitals who receive Safety Net Care Pool funds to have written financial assistance policies that are publicized;

- the requirement for nonprofit hospitals to assess community health needs, limit financial charges to uninsured indigent patients and make financial assistance policies widely available to their patients;
- the many hospitals who fail to publicize their financial assistance programs and often provide limited programs that do not cover needed medical services;
- the number of hospitals who routinely send accounts of low-income patients to collections for unpaid hospital bills, including the accounts of patients with health insurance who cannot afford their deductibles, copays or co-insurance; and
- because financial assistance programs are not standardized for every hospital which creates a fragmented health care system that hinders access to health care or low-income and uninsured patients.

As a part of its study on the indigent care system, LFC is asked to direct its staff to include a review of current hospital practices and policy options for improving hospital financial services statewide. All hospitals are asked to cooperate with the LFC by providing data on revenues, public funding received, amounts spent on uncompensated care, including bad debts and charitable care; financial assistance policies and procedures; billings and collections policies and practices; and any other information the committee deems necessary to conduct its study. A report and recommendations are to be made by October 1, 2016, to the Legislative Finance Committee and the Legislative Health and Human Services Committee.

Copies of the memorial will be sent to the Governor, the chair and vice-chair of the Legislative Finance Committee, the chair and vice chair of the Legislative Health and Human Services Committee, the director of the LFC and the executive director of the New Mexico Hospital Association.

Subjects: Legislature; Health and Medical Practice; Business, Manufacturing and Economic Development; Insurance; Family and Juveniles; State Affairs and State Agencies

Bill: **SM54 Motion:** to support SM54-PASSED unanimously

Sponsors: Morales (D28)

Title: LFC DATA COLLECTION ON SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

Analysis: Introduced 01/29/2016 — Asks the LFC to collect data regarding the cost of implementing a three-month time limit and employment and training requirements in the Supplemental Nutrition Assistance Program. Asks the Human Services Department to provide LFC with all data and information necessary to conduct its study. Specifically requests that the LFC study and calculate:

- all costs associated with administering the three-month time limit for able-bodied adults without dependents age 18 to 49;
- all costs associated with administering work requirements in the N.M. Supplemental Nutrition Assistance Program's employment and training program;
- the number of New Mexicans subject to the three-month time limit or the employment and training requirement;
- the number of applicants and participants in the Supplemental Nutrition Assistance Program in the state who gain employment or increased earnings from participating in the program's employment and training program; and
- the number of applicants and participants who are disqualified from receiving food assistance for noncompliance with time limit or employment and training work requirements and the corresponding loss, in dollars, of federal food assistance in New Mexico as a result of those disqualifications.

Results of the study are to be presented to the LFC and the Legislative Health and Human Services Committee by October 1, 2017. Copies of the memorial will be sent to the Governor, the chair, vice chair and director of LFC, and the chair and vice chair of the LHHSC.

Subjects: Human Services; Legislature; Interim Studies and Interim Committees

Support

Sheriffs Affiliate Action Items

Bill: **SB203 Motion:** to support SB203a as amended-**FAILED** 14 w/13 counties against Catron, Chaves, De Baca, Dona Ana, Grant, Harding, Hidalgo, Luna, Otero, Quay, Rio Arriba, Sierra, Socorro and 3 abstained Cibola, Guadalupe, Los Alamos

Sponsors: Padilla (D14)

Title: QUALIFICATIONS FOR SHERIFF

Analysis: Introduced 01/26/2016 — Provides specific qualifications for election or appointment as county sheriff; requires candidates for election as sheriff to certify that they meet those qualifications in their declaration of candidacy; and provides that a voter may challenge the candidacy of any person seeking the sheriff's office on the grounds that the person does not meet qualifications. The qualifications proposed for sheriff are to:

- ~~Be at least 21 years old~~
- Have a least ~~seven~~ five years of professional law enforcement experience
- Be a resident of the state ~~one year~~ and of the county for which the person is to be elected or appointed sheriff ~~for at least one year~~
- ~~Not have been convicted of a felony~~
- Hold a certificate attesting to completion of a basic law enforcement training program pursuant to Sec. 29-7-6.1

No Position

NMSA (County sheriffs; training requirement)

- Not have been recalled from public office.

Candidates for election to the office of sheriff must certify by notarized affidavit that they meet qualifications. A voter may challenge the candidacy for election, or any person seeking nomination, on the grounds that the person does not meet qualifications, by filing a petition in District Court within 10 days after the last day for filing a declaration or statement of candidacy. The petition shall be heard as provided in Sec. 1-8-26 NMSA of the Election Code.

Subjects: County Affairs; Elections; Public Safety and Corrections

Bill: **HB92 Motion:** to support HB92-PASSED unanimously

Sponsors: Wooley (R66)

Title: PEACE OFFICER SURVIVOR BENEFITS FOR MOUNTED PATROL MEMBERS

Analysis: Prefiled 01/19/2016 — (Similar to 2015 HB430) Relating to law enforcement; amends the Peace Officers' Survivors Supplemental Benefits Act to include benefits for New Mexico Mounted Patrol members' survivors. Amends the Peace Officers' Survivors Supplemental Benefits Act to include New Mexico Mounted Patrol Members within the entitlements of the act which provides for a payment of \$250,000 in supplemental death benefits from the survivors' fund whenever a mounted patrol member is killed in the line of duty. The fund is administered by the Department of Public Safety and is renamed the "Peace Officers' and New Mexico Mounted Patrol Members' Survivors Fund."

Support

"New Mexico Mounted Patrol" is defined to mean members of units or troops officered and manned to assist with law enforcement pursuant to provisions of the Mounted Patrol Act (assist law enforcement agencies and regulatory bodies; act as official bodyguard to governor or distinguished visitors; when called into service by the governor in cases of imminent danger).

HSCAC Committee Report 02/03/2016 — HSCAC amendments to HB92 add a definition of the phrase "reserve police officer" and include reserve peace officers' survivors to those eligible for officers' survivors benefits. "Reserve police officer" is defined to mean a volunteer or a temporary or part-time employee of a state or local law enforcement agency who is accepted by that agency as a reserve law enforcement officer after receiving a background check and training as needed by that agency and who is not a member of the New Mexico Mounted Patrol.

Goes next to House Ways and Means Committee.

Subjects: Insurance; State Affairs and State Agencies; Public Safety and Corrections; Veterans and Military Affairs

NMAC Legislative Updates: Priorities Support:

Bill: **HB2**

Sponsors: Larrañaga (R27)

Title: GENERAL APPROPRIATION ACT OF 2016

Analysis: Introduced 01/19/2016 — This represents a shell for a more comprehensive bill that will emerge later in the legislative session. Cited as the General Appropriation Act of 2016, authorizes funding to various state agencies from the General Fund, Internal Services and Transfers, Other State Funds and Federal Funds in FY 2017 as follows:

Passed House
today 38:31

- \$19,859,000 to the Legislative Branch
 - \$311,324,200 for the Judicial Branch
 - \$1,732,450,700 to General Control Agencies
 - \$150,789,000 to Commerce and Industry Agencies
 - \$217,801,800 to Agriculture, Energy, and Natural Resources Agencies
 - \$8,543,791,100 to Health, Hospitals and Human Services
 - \$538,964,000 to Public Safety Agencies
 - \$849,795,000 to Transportation Agencies
 - \$202,362,500 to Other Education Agencies
 - \$930,235,700 to Higher Education Agencies
 - \$3,104,957,200 to Public School Support
 - \$11,000,000 for Compensation Increases
- Other appropriation bills will be rolled into HB2 before it goes into the Senate.

Subjects: State Affairs and State Agencies; Appropriations

Position: **Support**

Bill: **HB311**

Sponsors: Hall, J. C. (R28)

Title: TRANSFERS AND REVERSIONS TO GENERAL FUND--\$221 MILLION PLUS

Analysis: Introduced 02/02/2016 — Reverts in excess of \$221,763,700 to the 2016 General Fund Operating Account, the 2017 Appropriation Account of the General Fund, and the Tobacco Settlement Program Fund. A total of \$169,755,000 is transferred in FY 2016 and approximately \$52,008,700 is transferred in FY 2017. These amounts do not include a transfer that is identified as 50% of the FY 2017 distribution to the Master Settlement Agreement relating to the Tobacco Settlement Program Fund. (Contingencies apply to amounts taken from New Mexico Finance Authority and the Tobacco Settlement Program Fund.)

\$4M out of
911 Fund;
\$3.5M out of
DWI Fund;
NMAC to
write 1 page
fact sheet

Reverts the following amounts (\$169,755,000) to the General Fund Operating Reserve in FY 2016:

\$1,000,000 from legislative cash balances.

\$1,000,000 from Attorney General's Consumer Settlement Fund

\$1,000,000 from Weight Distance Tax Identification Permit Fund

\$6,000,000 from Delinquent Property Tax Fund

\$3,255,000 from Homeland Security and Emergency Management Department—Laws 2008 (2nd S.S.), Ch. 8, for improvements to roads and bridges damaged from severe flooding in Lincoln and Otero counties. (Time extended in Laws 2013 and Laws 2015)

\$10,000,000 from Public Education Department—Laws 2013, Ch. 191, Sec. 1, Subsec. A, Para. (2), for special education maintenance of effort requirement under Part B, Federal Individuals with Disabilities Education Act.

\$147,500,000 from Tax Stabilization Reserve.

Reverts the following amounts (\$52,008,700) to the General Fund Operating Reserve in FY 2017:

\$3,500,000 from Local DWI Grant Fund

\$4,000,000 from Enhanced 911 Fund

\$8,750,000 from State Government Unemployment Compensation Reserve Fund

\$500,000 from Mortgage Regulatory Fund

\$450,000 from Insurance Fraud Fund

\$6,000,000 from Worker's Compensation Administration Fund

\$1,000,000 from Employment Security Department Fund, Workforce Solutions Dept.

\$1,000,000 from Rural Infrastructure Revolving Loan Fund

\$115,400 from Carnival Ride Insurance Fund

\$1,000,000 from Professional Engineers' and Surveyors' Fund

\$124,700 from Hoisting Operators Safety Act Fund

\$242,600 from Real Estate Recovery Fund

\$105,200 from Construction Industries Division Publications Revolving Fund

\$848,600 from Barbers and Cosmetologists Fund

\$153,400 from Athletic Commission Fund

\$211,100 from Counseling and Therapy Practice Board Fund

\$538,500 from Chiropractic Fund

\$116,800 from Nutrition and Dietetics Fund

\$102,400 from Nursing Home Administrators Fund

\$316,600 from Board of Examiners for Occupational Therapy Fund

\$300,700 from Optometry Fund

\$526,400 from Board of Osteopathic Medical Examiners Fund

\$109,200 from Podiatry Fund

\$635,100 from Physical Therapy Fund

\$204,900 from Thanatopractice License Fund

\$39,400 from Interior Design Board Fund

\$175,200 from Landscape Architects Fund

\$251,200 from Speech Language Pathology, Audiology and Hearing Aid Dispensers Board Fund

\$72,200 from Respiratory Care Fund

\$85,700 from Athletic Trainer Practice Board Fund

\$65,200 from Impaired Dentists and Dental Hygienists Fund

\$627,600 from the State Financial Regulation Fund

\$340,600 from Regulation & Licensing Department Operating Fund from Manufactured Housing Division Fees

\$9,500,000 of money encumbered in DFA from appropriations made in Laws 2008, Ch. 3, Sec. 8, Subsec. A, Para.

(5) is disencumbered and reverted in FY 2017

\$10,000,000 of Governmental Gross Receipts Tax receipts earmarked for Public Project Revolving Fund

administered by New Mexico Finance Authority, NMFA, shall not be deposited in that fund in FY 2017 but shall be deposited in the Appropriation Account of the General Fund—provided that provisions of this subsection shall not operate if NMFA certifies to DFA and LFC chair that tax receipts are needed to pay principal and interest on outstanding bonds of the Authority.

50% of FY 2016 distribution (approximately \$18.5 million) to the State pursuant to the Master Settlement

Agreement entered into between tobacco product manufacturers and various states, including New Mexico, shall be

distributed to the Tobacco Settlement Program Fund; provided this distribution is in addition to the annual

distribution from the Tobacco Settlement Permanent Fund to the Tobacco Settlement Program Fund.

H AFC Committee Report 02/04/2016 — H AFC amendment to HB311 makes 10 changes to the original proposal to shore up state revenues: removes four of the proposed transfers, adds three new transfers, increases the amount for two of the transfers, and changes the criteria for the transfer from NMF A, as follows:

The following amounts will no longer revert to the General Fund Operating Reserve in 2017:

\$115,400 from Carnival Ride Insurance Fund

\$124,700 from Hoisting Operators Safety Act Fund

\$627,600 from the State Financial Regulation Fund

\$340,600 from Regulation & Licensing Department Operating Fund from Manufactured Housing Division Fees

The following reversions to the General Fund Operating Reserve in 2017 have been increased:

Increased from \$848,600 to \$1,448,600 from Barbers and Cosmetologists Fund

Increased from \$211,100 to \$319,400 from Counseling and Therapy Practice Board Fund

Reverts the following additional amounts to the General Fund Operating Reserve in 2017:

\$100,000 from Board of Acupuncture and Oriental Medicine Fund

\$300,000 from the Psychology Fund

\$100,000 from the Board of Social Work Examiners Fund

Maintains the amount to be reverted by NMF A, but changes the method for doing so, as follows:

\$10,000,000 is transferred from the New Mexico Finance Authority to the Appropriation Account of the General Fund in FY 2017--Except as otherwise provided in the Tax Administration Act, the amount is from the Authority's fiscal year 2016 portion of the Governmental Gross Receipts Tax distributed to the Authority pursuant to Sec. 7-1-6.38 that is not otherwise pledged for payment of obligations of the Authority.

Subjects: Public Finance and Budgets; Appropriations; State Affairs and State Agencies

Position: **Support**

Bill: **HB186**

Sponsors: Roch (R67); Dodge (D63)

Title: STUDY: HOW TO BEST SUPPORT EMERGENCY SERVICES STATEWIDE

Analysis: Introduced 01/20/2016 — Appropriates \$300,000 from the general fund to the Department of Health, in collaboration with the State Fire Marshall, to determine how best to support emergency services statewide.

[Redacted]

Department to report results to appropriate legislative interim committees by December 2016.

Subjects: Health and Medical Practice; Appropriations; State Affairs and State Agencies

Position: **Support**

Bill: **SB30a Motion:** to support SB224 similar to SB30a except for Energy/Minerals to administer instead of DOT-**PASSED** unanimously

Sponsors: Cisneros (D6); James (R24)

Title: CREATES ADVANCED MAPPING FUND

Analysis: Prefiled 01/19/2016 — Relates to water; creates the Advanced Mapping Fund; provides for advanced mapping by the Department of Transportation, including for the Rio Grande Trail; makes an appropriation.

Support
SB224 similar
to SB30a
except Energy
/Minerals to
administer

Appropriates \$1 million (GF nonreverting) to the Advanced Mapping Fund, to be administered by the Department of Transportation, to provide advanced mapping, including mapping for the development of the Rio Grande Trail. Funds are authorized for use in FY2017 and subsequent years.

Creates the Advanced Mapping Fund consisting of appropriations and donations from state and federal governments, political subdivisions of state or private entities, income from investment of the fund and money otherwise accruing to the fund. Money in the fund shall not revert to any other fund at end of fiscal year, including the General Fund.

SCONC Committee Report 02/02/2016 — SCONC amendment to SB30 authorizes DOT to also use the appropriation for development of Rio Grande watersheds.

Bill goes to SFC.

Subjects: Water; Transportation; Natural Resources (Parks and Wildlife); Appropriations

Position: **Support**

Support:

Bill: **HB63**

Sponsors: Roch (R67)

Title: WORKERS' COMP BENEFITS PAYABLE IN PROPORTION TO INTOXICATION

Analysis: Prefiled 01/19/2016 — (Similar to 2015 HB238) Reduces the amount of workers' compensation benefits payable in proportion to the percent a worker's use of alcohol or illegal drugs or misuse of prescription drugs contributed to the worker's injury or death.

[Redacted]

Requires a worker's compensation judge to determine what percentage (if any) a worker's use of alcohol or drugs contributed to the injury to or death of the worker, and shall reduce the weekly benefit accordingly. The reduction shall be a minimum of 10 percent but no more than 90 percent (current statute precludes compensation in cases where the intoxication causes an injury and mandates a ten percent reduction in compensation in cases where a worker is intoxicated but the injury is not occasioned by the intoxication). Does not apply to the use of prescription drugs taken in accordance with directions.

The bill does not restrict an injured worker's entitlement to medical benefits. Requires employers to mandate post-accident alcohol and drug testing in a qualified facility in order to claim a reduction in compensation. Testing is at the employer's expense and shall not be used in any criminal proceeding. A worker's refusal to submit to a test shall constitute an admission of intoxication. Reduction or denial of benefits shall not affect payments of benefits to the dependents of a deceased worker pursuant to Sec. 52-1-46.

Repeals Sec. 52-1-12 (Compensation prohibited when worker under influence of certain drugs).

Subjects: Insurance; Labor; Health and Medical Practice

Position: Support

Bill: SB214

Sponsors: Candelaria (D26)

Title: WORKERS' COMPENSATION BENEFITS PAYABLE IN PROPORTION TO WORKER'S INTOXICATION

Analysis: Introduced 01/26/2016 — (Identical to 2016 HB63, similar to 2015 HB238) Reduces the amount of workers' compensation benefits payable in proportion to the percent a worker's use of alcohol or illegal drugs or misuse of prescription drugs contributed to the worker's injury or death.

Requires a worker's compensation judge to determine what percentage (if any) a worker's use of alcohol or drugs contributed to the injury to or death of the worker, and shall reduce the weekly benefit accordingly. The reduction shall be a minimum of 10 percent but no more than 90 percent (current statute precludes compensation in cases where the intoxication causes an injury and mandates a ten percent reduction in compensation in cases where a worker is intoxicated but the injury is not occasioned by the intoxication). Does not apply to the use of prescription drugs taken in accordance with directions.

The bill does not restrict an injured worker's entitlement to medical benefits. Requires employers to mandate post-accident alcohol and drug testing in a qualified facility in order to claim a reduction in compensation. Testing is at the employer's expense and shall not be used in any criminal proceeding. A worker's refusal to submit to a test shall constitute an admission of intoxication. Reduction or denial of benefits shall not affect payments of benefits to the dependents of a deceased worker pursuant to Sec. 52-1-46.

Repeals Sec. 52-1-12 (Compensation prohibited when worker under influence of certain drugs).

Subjects: Insurance; Labor; Health and Medical Practice

Position: Support

Bill: HB88

Sponsors: Salazar, T. (D70)

Title: HOUSING FOR BEHAVIORAL HEALTH-RELATED HOMELESS PERSONS

Analysis: Prefiled 01/19/2016 — Appropriates \$2.5 million (2017 GF) to the Human Services Department for permanent supportive housing services, including case management, life-skills training, housing counseling, rental assistance and other services to help people who are homeless or at risk of homelessness with behavioral health-related disabilities to obtain and maintain stable permanent housing.

Subjects: State Affairs and State Agencies; Human Services; Land, Housing and Real Estate; Appropriations

Position: Support

Bill: HB62

Sponsors: Ruiloba (D12)

Title: LAW ENFORCEMENT PROTECTION FUNDS FOR ACADEMY TRAINING AND RELATED EQUIPMENT

Analysis: Prefiled 01/19/2016 — (For the Courts, Corrections and Justice Committee) (Similar to 2015 HB589) Relates to law enforcement; provides a distribution from the Law Enforcement Protection Fund to certified regional law enforcement training facilities and the New Mexico Law Enforcement Academy for training; makes an appropriation.

Appropriates \$50,000 (GF reverting) divided equally between each regional facility and the New Mexico Law Enforcement Academy

Provides for a distribution from the Law Enforcement Protection Fund to certified regional law enforcement training facilities and the New Mexico Law Enforcement Academy for training. The academy and each regional facility shall be entitled to a rate of distribution of \$50,000 which may be used only for basic, advanced or in-service law enforcement training and for the purchase of equipment directly related to that training.

A "regional facility" is defined as a certified regional law enforcement training facility within the state certified by the director of the academy pursuant to the Law Enforcement Training Act.
Directs the Local Government Division of the Department of Finance and Administration to transfer an amount from the Law Enforcement Protection Fund to the Peace Officers' Survivors Fund to maintain the minimum balance of that fund.
Amends distribution of funds to tribal police departments, municipal and university police and county sheriff's departments to \$1,000 per peace officer.
Provides for an effective date of July 1, 2016.

HSCAC Committee Report 01/27/2016 — HSCAC amendment to HB62 provides a definition for "satellite academy" to mean a law enforcement training academy that is based at a community college, college or university in the state and is not associated with a particular law enforcement agency." Makes a related change in the bill to change all references to "regional facilities" in the bill to "satellite academies." Also increases the appropriation from \$50,000 to \$200,000.
Bill goes to HAFc.

Subjects: Municipalities/City Government; Public Safety and Corrections; Indians; Appropriations; Public Finance and Budgets
Position: **Support**

Bill: **HB101**

Sponsors: Rehm (R31)

Title: LAW ENFORCEMENT PROTECTION FUND DISTRIBUTIONS EXPANDED

Analysis: Prefiled 01/19/2016 — Relates to law enforcement training and increases funding levels for state, local and tribal law enforcement. Expands scope of eligibility to receive funds from the Law Enforcement Protection Fund to include the Law Enforcement Academy and regional training facilities. Increases distribution levels to existing recipients. Increases distribution to the Peace Officers' Survivors Fund. Makes an appropriation.
Before making any distributions to any recipients, DFA's Local Government Division is authorized to set aside 10 percent of the balance in the Law Enforcement Protection Fund for the state Law Enforcement Academy and certified regional law enforcement training facilities. From the set aside, 25 percent shall be distributed to the Law Enforcement Academy and 75 percent shall be distributed equally among regional facilities.
Amounts distributed to regional facilities and the academy shall be expended only for providing basic, advanced or in-service law enforcement training and for the purchase of equipment directly related to that training.
Distribution levels from the Law Enforcement Protection Fund to existing recipients (after the 10% set aside) have been increased in the following amounts:
Peace Officers' Survivors Fund: a sufficient amount to maintain a minimum balance of \$750,000 in the fund (up from the existing \$350,000 authorization).
Municipal Police or County Sheriff's Departments:
Population 0 to 20,000: Distribution increased from \$20,000 to \$40,000
Population 20,001 to 160,000: Distribution increased from \$30,000 to \$50,000
Population 160,001 to 1,280,000: Distribution increased from \$40,000 to \$60,000
An equal amount of the remaining balance of the fund (after the allocations listed above) shall be divided in an equal amount and distributed to tribal, municipal and university police and county sheriff departments.
Replacing the existing \$600 allocation per office is an authorization for an additional unspecified allocation to:
• tribal police departments for each commissioned peace officer in the tribe;
• municipal and university police and county sheriff's departments for each police officer or sheriff's deputy employed full time and certified by the academy.
Gone is the proviso that vested the Local Government Division with authority to reduce the allocation to the "maximum amount permitted by available money." Left intact is the appeal provision for any affected department, facility or academy to dispute the distribution determination. Procedural aspects of the appeal remain the same as in existing law.
Other distributions authorized by the State Treasurer from the Law Enforcement Protection Fund have not been changed (redirected distribution to NMF'A; authority to decrease distributions to tribes below the \$100,000 level in order to enable payment).
For purposes of the act, "academy" means the New Mexico Law Enforcement Academy and "regional facility" means a certified regional law enforcement training facility within the state certified by the director of the academy pursuant to the Law Enforcement Training Act.
Effective date of the act is July 1, 2016.



HSCAC Committee Report 01/27/2016 — HSCAC amendment to HIB101 corrects a subsection letter designation, and makes no substantive change to the bill. Goes next to HAFc.
Public Safety and Corrections; State Affairs and State Agencies; Indians; Appropriations; Municipalities/City Government; County Affairs

Position: **Support**

Bill: HB171
Sponsors: Larranaga (R27); Ingle (R27)
Title: RETIRED LAW ENFORCEMENT OFFICERS RETURN TO WORK
Analysis: Prefiled 01/19/2016 — (Related to 2015 SB466 and SB619; 2014 IIB344, IIB340, and HB297, among others) Adds



an exception in the Public Employees Retirement Act to allow certain retired certified law enforcement officers to return to work without foregoing pension payments, with certain provisos. The retiree's pension, including any cost-of-living adjustments, shall continue to be paid during the period of subsequent employment.
The exception applies to certified law enforcement officers covered under any municipal police member plan or State Police Member and Adult Correctional Officer Plan 1.
The retiree must not have been employed by an affiliated public employer or retained as an independent contractor by the public employer from which the member retired for at least 90 days from retirement date to commencing subsequent employment or reemployment with an affiliated employer.
The retired member shall not become a member during the period of renewed employment, and shall not accrue service credit for any of the period of that employment.
The retiree and the subsequent affiliated public employer both must make the contributions that would be required for members and employers under the applicable plan during the entire period of subsequent employment; and the contributions paid by the re-employed retiree shall not be refundable at the end of the subsequent employment.
The retiree's period of subsequent employment may not exceed a total of five years from the date of rehire.
The chief of police, sheriff or equivalent senior-most-ranking law enforcement officer of the affiliated employer has sole discretion to select retired members for subsequent employment or reemployment under this section.
A Class A county (Bernalillo County) or a municipality located within a Class A county that is an affiliated employer:
• May not employ a total number of retired members under this provision that exceeds 10 percent of its authorized police force; although retired members who were reemployed prior to the effective date of this act shall not be counted in that total and
• Shall employ retired members only at ranks below sergeant and shall not promote those members to the rank of sergeant at any time during the subsequent employment.

HSCAC Committee Report 01/29/2016 — HSCAC amendments to IIB17 clarify that: contributions during the period of subsequent employment that are not refundable include those made on the officer's behalf (as by municipalities that elect to do so) as well as those made by the officer.
Screening candidates and hiring or recommending for hire are subject to the established hiring process of the affiliated public employer.
Limitations on the percent of a force that can be composed of return-to-work officers applies to Bernalillo County and the City of Albuquerque.
Affiliated public employers may hire a retired certified law enforcement officer, in accordance with their established hiring processes, when recruiting a Chief of Police.
Bill goes to HAFIC.

Subjects: County Affairs; Municipalities/City Government; Public Employees/Retirement; State Affairs and State Agencies; Public Safety and Corrections
Position: **Support**

Bill: HB194
Sponsors: Brown (R55)
Title: WORKERS COMP: EMPLOYEE POST-INJURY MISCONDUCT AND EMPLOYER RETALIATION PENALTIES



Analysis: Introduced 01/21/2016 — Relates to Workers' Compensation, the denial of temporary total disability benefits under certain circumstances, and the invocation of employer penalties for retaliatory actions.
Amends the Workers' Compensation Act to provide that a worker is not entitled to temporary total disability benefits or modification of permanent partial disability benefits, if the worker is terminated for post-injury misconduct connected with the employment. However, the prohibition does not apply if an employer terminates the worker for the pretextual reasons of attempting to avoid payment of benefits to the worker or as retaliation against the worker for seeking benefits—and in such an event, the worker shall be entitled to temporary total disability benefits (or modification) and the employer shall be subject to penalties set forth in Secs. 52-1-28.1 and 52-1-28.2.

Subjects: Insurance; Labor; Public Safety and Corrections
Position: **Support**

Bill: SB249
Sponsors: Smith (D35)
Title: WORKER'S COMPENSATION ENTITLEMENT FOR TERMINATION FOR POST-INJURY MISCONDUCT

Analysis:

Introduced 01/29/2016 — (Related to 2015 HB250) Amends the Workers' Compensation Act to provide that a worker is not entitled to temporary total disability benefits as otherwise provided in the act if terminated for post-injury misconduct connected with the employment. The same proviso applies to a terminated worker's entitlement to a modification based on age, education and physical capacity, used in calculating a permanently partially disabled worker's impairment.



However, if the employer terminates the worker for pretextual reasons in attempting to avoid payment of benefits or retaliation for seeking benefits, the worker is entitled to benefits and the employer shall be subject to penalties. In any event, the employer shall continue to provide reasonable and necessary medical care as required in the act.

Subjects:

Insurance; Labor; Health and Medical Practice

Position:

Support

Bill:

SB56

Sponsors:

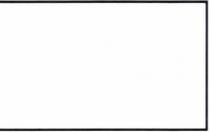
Rodriguez (D24)

Title:

LOCAL GOVERNMENT TREASURER INVESTMENTS

Analysis:

Prefiled 01/19/2016 — (Similar to 2015 SB175) Relates to public finance; clarifies types of investments in which county and municipal treasurers may invest public money; makes technical correction.



Clarifies that county and municipal treasurers may invest sinking funds and money remaining unexpended from any bond or security issue, as long as the money is not needed for public use, in federally insured obligations, including brokered certificates of deposit, certificate of deposit account registry service and federally insured cash accounts.

This is in addition to the other permissible investment categories already specified in the existing statute.

Amends Sec. 6-10-10 (Deposit and Investment of Funds)

Subjects:

County Affairs; Municipalities/City Government; State Affairs and State Agencies; Banks, Securities and Loans

Position:

Support

Bill:

SB64

Sponsors:

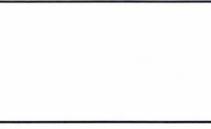
Woods (R7); Roch (R67)

Title:

APPROPRIATION FOR HYDROGEOLOGIC STUDY AND GROUND WATER MAPPING

Analysis:

Prefiled 01/19/2016 — (For the Water and Natural Resources Committee) Makes an appropriation for the Bureau of Geology and Mineral Resources to study and map ground water aquifers underlying Colfax, Harding, Mora and Union counties.



Appropriates \$1,724,000 (GF nonreverting) to the Board of Regents of the New Mexico Institute of Mining and Technology for expenditure in FY 2017 and subsequent fiscal years for the Bureau of Geology and Mineral Resources to conduct a hydrogeologic study of and map the ground water aquifers underlying Colfax, Harding, Mora and Union counties.

Subjects:

Higher Education; Water; County Affairs; Energy Resources and Chemicals; Land, Housing and Real Estate; Agriculture and Ranching; Natural Resources (Parks and Wildlife); Environment and Pollution; Appropriations

Position:

Support

Bill:

SB72

Sponsors:

Ingle (R27)

Title:

LIMIT ON NUISANCE CLAIMS FOR FARMING

Analysis:

Prefiled 01/19/2016 — (Related to 2015 HB564, SB307, SB348) Amends the Right to Farm Act to bar a property holder's right to bring a nuisance claim against a previously established agricultural operation or facility unless that operation or facility has substantially changed in the nature or scope of its operations.



SCONC Committee Report 02/02/2016 — The SCONC amendment to SB72 includes "occupancy," along with purchase, lease or rental, of a property proximate to a previously established agricultural use who are forestalled from bringing a cause of action for nuisance absent a substantial change in the nature and scope of the operation. Bill goes to SJC.

Subjects:

Courts and Civil Matters; Agriculture and Ranching

Position:

Support

Bill:

SB122

Sponsors:

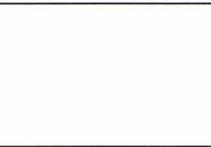
Cisneros (D6)

Title:

2016 CAPITAL PROJECTS GENERAL OBLIGATION BOND ACT

Analysis:

Prefiled 01/19/2016 — Authorizes the issuance and sale of capital projects General Obligation Bonds for senior citizen facility improvements and acquisitions, for library acquisitions, for pre-kindergarten classroom capital improvements and school bus acquisitions, for capital improvements and acquisitions for public safety, capital improvements and acquisitions at institutions of higher learning, state special schools and tribal schools; and provides a tax levy for payment of principal and interest on certain costs related to the bonds. Requires voter



approval at the 2016 General Election.

SENIOR CITIZEN FACILITIES. For senior citizen facility improvement, construction and equipment acquisition projects, to the Aging and Long-Term Services Department

1. \$190,000 to purchase and equip vehicles, including meal delivery vehicles, for the Albuquerque Department of Senior Affairs kitchen facility in Albuquerque in Bernalillo County;
2. \$351,200 for improvements to the facility to address code compliance issues at Los Volcanes senior center in Albuquerque in Bernalillo County;
3. \$47,500 to purchase and equip vehicles for the Los Volcanes Senior Center in Albuquerque in Bernalillo County;
4. \$35,000 to purchase and install meals equipment for the North Domingo Baca Senior Center in Albuquerque in Bernalillo County;
5. \$912,500 to plan, design, construct and equip an addition to the Palo Duro Senior Fitness Center in Albuquerque in Bernalillo County;
6. \$47,500 to purchase and equip vehicles for the Palo Duro Senior Fitness Center in Albuquerque in Bernalillo County;
7. \$806,200 to plan, design, construct and equip an addition to the Village of Tijeras Senior Center in Tijeras in Bernalillo County;
8. \$51,000 for improvements to the facility to address code compliance issues at the Glenwood Senior Center in Glenwood in Catron County;
9. \$20,000 for renovations to the Quemado Senior Center in Quemado in Catron County;
10. \$91,000 to purchase and equip hot meal delivery vehicles for the Reserve Senior Center in Reserve in Catron County;
11. \$43,700 to purchase and equip a vehicle for the Hagerman/Dexter Senior Center in Hagerman in Chaves County;
12. \$43,700 to purchase and equip a vehicle for the Lake Arthur Senior Center in Lake Arthur in Chaves County;
13. \$300,200 to purchase and equip vehicles for the Roswell Senior Center in Roswell in Chaves County;
14. \$67,000 for improvements to the facility to address code compliance issues at the Eagle Nest Senior Center in Eagle Nest in Colfax County;
15. \$250,000 to plan, design and construct a senior facility and meal site for the Clovis Senior Center in Clovis in Curry County;
16. \$19,100 to purchase and install meals equipment at the Clovis Senior Center in Clovis in Curry County;
17. \$40,000 to purchase and equip a vehicle for the Grady Senior Center in Grady in Curry County;
18. \$6,000 to purchase and install meals equipment at the Melrose Senior Center in Melrose in Curry County;
19. \$136,000 for improvements to the facility and parking lot at the Melrose senior center in Melrose in Curry County;
20. \$51,000 to purchase and install meals equipment in the Gila senior center in Gila in Grant County;
21. \$63,000 to purchase and install equipment, including a vent with blower, at the Hurley site kitchen in Hurley in Grant County;
22. \$51,000 to purchase and install meals equipment in the Mimbres senior center in Mimbres in Grant County;
23. \$68,000 to purchase and install meals equipment at the Santa Clara senior center in Santa Clara in Grant County;
24. \$108,000 to purchase and install meals equipment at the Silver City senior center in Silver city in Grant County;
25. \$37,200 to purchase and install a walk-in cooler at the Ena Mitchell senior center in Lordsburg in Hidalgo County;
26. \$47,400 to purchase and equip vehicles for the Ena Mitchell senior center in Lordsburg in Hidalgo County;
27. \$190,000 for renovations and improvements to the parking lot at the Eunice senior center in Eunice in Lea County;
28. \$35,000 to purchase and equip vehicles for the Lovington Bill McKibben senior center in Lovington in Lea County;
29. \$30,150 to purchase and equip a vehicle for the Tatum senior center in Tatum in Lea County;
30. \$12,800 for renovations to the Ruidoso community center in Ruidoso in Lincoln County;
31. \$90,600 to purchase and install meals equipment at the White Rock senior center kitchen in White Rock in Los Alamos County;
32. \$54,000 to purchase and install a generator at the Deming senior center in Deming in Luna County;
33. \$121,700 for renovations to the Deming senior center in Deming in Luna County;
34. \$450,000 to plan, design, construct and equip an expansion to the Baahaali senior center in the Baahaali chapter of the Navajo Nation in McKinley County;
35. \$4,800 for improvements to the facility to address code compliance issues at the Baca senior center in the Baca chapter of the Navajo Nation in McKinley County;
36. \$46,300 to purchase and equip a vehicle for the Baca senior center in the Baca chapter of the Navajo Nation in McKinley County;
37. \$18,000 to purchase and install meals equipment at the McKinley senior center in Thoreau in McKinley County;
38. \$56,400 to purchase and equip a vehicle for the Pueblo Pintado senior center at the Pueblo Pintado chapter of the Navajo Nation in McKinley County;
39. \$550,000 to plan, design and construct an addition to and to renovate the Mora senior center in Mora in Mora County;

40. \$97,700 to purchase and equip vehicles, including a meal delivery vehicle, for the Mora senior center in Mora in Mora County;
 41. \$43,600 for improvements to the facility to address code compliance issues at the Alamo senior center in Alamogordo in Otero County;
 42. \$68,250 to purchase and equip vehicles for the Alamo senior center in Alamogordo in Otero County;
 43. \$15,000 for renovations to the Cloudercroft senior center in Cloudercroft in Otero County;
 44. \$5,800 to purchase and install meals equipment for the Mescalero Apache elderly program in Mescalero in Otero County;
 45. \$75,000 to purchase and equip vehicles for the Mescalero Apache elderly program in Mescalero in Otero County;
 46. \$29,500 to purchase and equip a vehicle for the Tularosa senior center in Tularosa in Otero County;
 47. \$27,400 to purchase and equip a vehicle for the Logan senior citizens center in Logan in Quay County;
 48. \$35,100 to purchase and equip a hot meal delivery vehicle for the Alcalde senior center in Alcalde in Rio Arriba County;
 49. \$8,300 to purchase and install meals equipment at the Chama senior center in Chama in Rio Arriba County;
 50. \$4,100 for renovations to the Chama senior center in Chama in Rio Arriba County;
 51. \$35,100 to purchase and equip a hot meal delivery vehicle for the Chimayo senior center in Chimayo in Rio Arriba County;
 52. \$35,100 to purchase and equip a hot meal delivery vehicle for the Coyote senior center in Coyote in Rio Arriba County;
 53. \$70,200 to purchase and equip hot meal delivery vehicles for the El Rito senior center in El Rito in Rio Arriba County;
 54. \$35,100 to purchase and equip a hot meal delivery vehicle for the Espanola senior center in Espanola in Rio Arriba County;
 55. \$113,800 for improvements to the facility to address code compliance issues at the Santa Clara adult daycare center at the Pueblo of Santa Clara in Rio Arriba County;
 56. \$57,500 to purchase and equip vehicles for the Santa Clara adult daycare center at the Pueblo of Santa Clara in Rio Arriba County;
 57. \$128,700 to purchase and equip vehicles, including a meal delivery vehicle, for the Santa Clara senior citizens center in the Pueblo of Santa Clara in Rio Arriba County;
 58. \$200,000 for renovations to the Tierra Amarilla senior center in Tierra Amarilla in Rio Arriba County;
 59. \$35,100 to purchase and equip a hot meal delivery vehicle for the Tierra Amarilla senior center in Tierra Amarilla in Rio Arriba County;
 60. \$35,100 to purchase and equip a hot meal delivery vehicle for the Truchas senior center in Truchas in Rio Arriba County;
 61. \$7,600 to purchase and install meals equipment at the Aztec senior community center in Aztec in San Juan County;
 62. \$53,100 for renovations to the Aztec senior community center in Aztec in San Juan County;
 63. \$133,000 to purchase and equip vehicles, including meal delivery vehicles, for the Aztec senior community center in Aztec in San Juan County;
 64. \$55,700 for improvements to the parking lot at the Blanco senior center in Blanco in San Juan County;
 65. \$40,000 to purchase and equip a vehicle for the Blanco senior center in Blanco in San Juan County;
 66. \$55,000 to purchase and equip a vehicle for the Bloomfield senior citizens center in Bloomfield in San Juan County;
 67. \$480,000 to plan, design and construct a parking lot at the Bernalillo senior center in Bernalillo in Sandoval County;
 68. \$83,400 to purchase and equip vehicles, including meal delivery vehicles, for the Bernalillo senior center in Bernalillo in Sandoval County;
 69. \$20,500 for renovations to the Corrales senior center in Corrales in Sandoval County;
 70. \$101,650 for improvement to the facility to address code compliance issues at the Cuba senior center in Cuba in Sandoval County;
 71. \$22,800 to purchase and install meals equipment at the Cuba senior center in Cuba in Sandoval County;
 72. \$43,000 to purchase and equip vehicles, including a meal delivery vehicle, for the Cuba senior center in Cuba in Sandoval County;
 73. \$50,250 for improvements to the facility to address code compliance issues at the Jemez community center in Canon in Sandoval County;
 74. \$10,600 to purchase and install meals equipment at the Jemez community center in Canon in Sandoval County;
 75. \$71,100 for improvements to the facility and parking lot at the Jemez community center in Canon in Sandoval County;
 76. \$11,400,000 to plan, design, construct and equip phase 1 of a new senior center in Rio Rancho in Sandoval County;
 77. \$75,000 for improvements to the facility to address code compliance issues at the Meadowlark senior center in Rio Rancho in Sandoval County;
- (See Welcome Page for complete listing.)

Subjects: Appropriations; Banks, Securities and Loans; State Affairs and State Agencies; Higher Education; Schools and Teachers; Indians; Aging; Transportation
Position: **Support**

Bill: SJR1
Sponsors: Wirth (D25); Maestas (D16)
Title: DENIAL OF BAIL FOR CERTAIN FELONY CASES
Analysis: Prefiled 01/19/2016 — Proposes to amend Article 2, Section 13, of the state Constitution to grant courts of record new authority to deny release on bail pending trial for dangerous defendants in felony cases. Retains and expands the right to pretrial release for nondangerous defendants.
Provides that, pending trial for a defendant charged with a felony, a court of record may deny bail if the prosecutor requests a hearing and presents clear and convincing evidence that no release conditions will reasonably protect the safety of any other person or the community. Retains provision for preferential appeal status over all other matters in cases where bail has been denied.
Provides that a person who is not a danger and is otherwise eligible for bail shall not be detained solely because of financial inability to post a bond.
Gone is the provision in existing law that limits denial of bail by a district court for a 60-day period to two circumstances:

- a defendant accused of a felony who has previously been convicted of two or more felonies in the state that do not arise from the same transaction as the current case; or
- a defendant accused of a felony involving use of a deadly weapon who has a prior felony conviction.

Also eliminates any time constraint on the period of incarceration without bail.
Provides that the proposed constitutional amendment be submitted for voter approval or rejection at the next general election, or at any special election prior to that date that may be called for that purpose.
Subjects: Courts and Civil Matters; Criminal Code; Constitutional Issues and Amendments; Public Safety and Corrections
Position: **Support**

No Position:

Bill: HB29
Sponsors: Gentry (R30); Trujillo, C. (D46)
Title: AUTHORITY TO ADOPT LOCAL CURFEW ORDINANCE
Analysis: Prefiled 01/19/2016 — Proposes a new section to the Children’s Code that gives the governing body of a county or municipality (includes a city, town or village) authority to adopt a curfew ordinance to regulate actions of children between midnight and 5:00 a.m., and to regulate the actions of children during daytime hours on school days. Calls for a minimum of nine exemptions to the curfew that take into account emancipated minors, travel to and from work, and attendance at school or religious functions. The ordinance shall not impose criminal penalties for curfew violation.
Curfew exemptions shall include exclusion of a child 16 years or older; an emancipated minor; a child accompanied by a parent, guardian or custodian; a child in the company of an adult authorized by the child’s parent, guardian or custodian; a child traveling interstate; a child going to or returning home from a school- or religious-sponsored function or a religious function; a child going to or from work; a child involved in a bona fide emergency; a child enrolled in or receiving instruction in a private school that does not require attendance at a particular time.
Procedural requirements provide for a law enforcement officer or other employee to promptly attempt to contact the child’s parent, guardian or custodian; upon establishing contact, to deliver the child to the parent’s or custodian’s residence or request that they come and take custody of the child unless doing so would endanger the health and safety of the child; and if the law enforcement officer or employee is unable to reach the parent or custodian within a six-hour time period, they are required to follow procedures for protective custody. However, a subsequent provision prohibits a child from being placed in a “secured setting” without defining the term.
Makes a corresponding change to Sec. 32A-3B-3 of the Children’s Code that authorizes a law enforcement officer to take a child into protective custody when in violation of a curfew ordinance and the officer is unable to contact the child’s parent, guardian or custodian.

HRPAC Committee Report 01/26/2016 — HRPAC amendment to HB29 adds an additional requirement for a law enforcement officer to fill out a police report and immediately submit it to CYFD prior to invoking procedures to take a child into protective custody in situations where the officer has been unable to contact the child’s parent, guardian or custodian within a six-hour time period. Bills goes to IJC.

House Floor Amendment 02/01/2016 — House Floor Amendment to HB29 makes several language cleanup and clarifying changes. For purposes of a curfew during school hours on weekdays, additionally exempts: (1) a child attending a high school operating under an open campus rule to whom that rule applies; and (2) a child who is concurrently enrolled at a high school and a post-secondary educational institution, a career enrichment center or

the equivalent. Also clarifies that a child is exempt while at work and while attending a school-sponsored function, civic-sponsored function or a religious function.
Bill cross over to the Senate.

Subjects: Public Safety and Corrections; Schools and Teachers; Family and Juveniles; County Affairs; Municipalities/City Government

Bill: HB107

Sponsors: Strickler (R2)

Title: OIL AND NATURAL GAS: REDUCED TAX RATES ON MORE STRIPPER WELL PRODUCTION

Analysis: Prefiled 01/19/2016 — Amends the Oil and Gas Severance Tax Act and the Oil and Gas Emergency School Tax Act. Reduces the tax rate on most production of oil and natural gas removed from stripper wells.

Under existing law, the oil and gas severance tax and oil and gas emergency school tax rates on production from stripper wells when annual average product prices are below certain benchmarks. This bill proposes raising the benchmark prices, giving more production a tax break.

Regular O&G severance tax and O&G emergency school tax rates on natural gas are 3.75% and 4%, respectively, and on oil, 3.75% and 3.15%, respectively.

TAX RATES FOR NATURAL GAS (Benchmark Prices per mcf/Tax Rates)

From current "Up To \$1.15" to proposed "Up to \$3.00"

1.875% (severance) and 2% (emergency school);

From current "\$1.16 to \$1.35: to proposed "\$3.01 to \$3.50"

2.8125% (severance) and 3% (emergency school);

From current "Over \$1.35: to proposed "Over \$3.50:

3.75% (severance) and 4% (emergency school).

TAX RATES FOR OIL (Benchmark Prices per Barrel/Tax Rates)

From current "Up to \$15" to proposed "Up to \$60"

1.875% (severance) and 1.58% (emergency school);

From current "\$15.01 to \$18" to proposed "\$60.01 to \$65"

2.8125% (severance) and 2.36% (emergency school);

From current "Over \$18" to proposed "Over \$65"

3.75% (severance) and 3.15% (emergency school)

Current natural gas prices (Henry Hub) are around \$2.40/mcf. Oil prices (West Texas Intermediate) hover under \$35/barrel.

Subjects: Energy Resources and Chemicals; Business, Manufacturing and Economic Development; Taxation, Fees and Audits

Bill: HB307

Sponsors: Cook (R56); Cervantes (D31)

Title: CAPITAL OUTLAY OVERSIGHT COMMITTEE; CAPITAL OUTLAY REFORM ACT AND DIVISION

Analysis: Introduced 02/02/2016 — Attempts to corral the fragmented and unfocused processes by which the state determines its capital outlay projects. Establishes a Capital Outlay Oversight Committee as a permanent joint interim committee with 18 members to monitor and direct the capital outlay process. The Capitol Outlay Reform Act basically sets up the institutional bodies necessary to create a statewide capital improvements plan and evaluate proposed projects.

The 18-member Capital Outlay Oversight Committee is to:

(1) monitor the work of the Capital Projects Planning Council;

(2) consult with the Capital Projects Planning Council and the Capital Planning and Assistance Division of DFA on the development and adoption of a multi-year statewide capital outlay improvements plan

(3) establish broad objective criteria and identify general categories of infrastructure needs to use in prioritizing projects;

(4) determine whether there will be a minimum dollar amount for inclusion of a capital project;

(5) determine whether there will be a minimum dollar amount for capital projects for which bonds will be issued;

(6) determine the amount of matching funds required of local governments;

(7) make recommendations to the Legislature on funding sources for prioritized capital outlay projects.

This Committee may remove projects from lists provided by the Capital Projects Planning Committee but may not add any. No project may be recommended for funding through general obligation or severance tax bonds unless it is included in the statewide capital improvements plan (except in an emergency).

Exempt from the Committee's review are Department of Transportation projects and projects funded from the Public School Capital Outlay Act or funded only by loans or grants from the New Mexico Finance Authority, Water Trust Board, Tribal Infrastructure Board or the Colonias Infrastructure Board. These agencies, however, must

report to the DFA's Capital Planning and Assistance Division the projects submitted to it, projects selected for funding, the available sources of funding and whether funding is adequate.

Capital Outlay Reform Act

Defines quite broadly what a capital project may be; "eligible entity" is an agency or institution of New Mexico, one of its political subdivisions or a federally recognized tribe or pueblo located wholly or partially in New Mexico.

Establishes a Capital Projects Planning Council, consisting of 13 members, including five government officials, four members of the public appointed by the Legislative houses, with specific areas of expertise, and four public members appointed by the Governor, with specific areas of expertise.

Creates the Capital Planning and Assistance Division (mainly from the existing Capital Projects Bureau of the Local Government Division) within the Department of Finance and Administration. Basically this unit does the administrative work, including: receiving and evaluating infrastructure capital improvement plans from eligible entities; receiving agency recommendations and identifying top priorities; assisting and training eligible entities with development and implementation of multi-year infrastructure capital improvements; developing appropriate accounting and reporting procedures; maintaining a central database; overseeing execution of all state-funded capital projects and identifying stagnant projects. Division may also conduct compliance and performance audits.

In developing capital outlay recommendations, the Division must coordinate with other funding and planning agencies, including the New Mexico Finance Authority, the Water Trust Board, the Tribal Infrastructure Board, the Colonias Infrastructure Board and the Public School Capital Outlay Council and appropriate federal agencies that provide capital project funding for state and local governments.

Although exempt from submitting projects to the division funded only by loans or grants issued by them, the authority and boards shall report to the division on (1) what capital projects from eligible entities have been submitted to the authority or board, (2) which capital projects are selected for funding, (3) the amount of funding and whether the funding, if not for the entire capital project, is sufficient for an identifiable phase of the project. The authority and boards shall provide the division with annual and long-range capital plans for inclusion in the statewide capital improvements plan.

Likewise, the Department of Transportation, while being exempt, shall provide the division with its annual and long-range state transportation infrastructure plans for inclusion in the statewide capital improvements plan.

Requires annual publication of the "statewide capital improvements plan" and outlines what such a plan shall consist of. An otherwise eligible entity is not eligible for a capital outlay project unless it is current on its annual audit or has a plan approved by the State Auditor for completion of that audit. The division and committee are required to coordinate their capital management efforts to minimize duplication of effort.

Council must develop and approve capital project guidelines based on the Capital Outlay Oversight Committee's criteria. Lists requirements for these guidelines. By May 1 of each year, all eligible entities must submit infrastructure capital improvements plans for the ensuing five years and all reviewing agencies shall submit their recommendations to the Division. The Council submits the statewide capital improvements plan by November 1.

Eligible entities must file quarterly electronic status reports on appropriations, encumbrances and expenditures.

Failing to be current on reports bars the entity from consideration for additional capital outlay.

Conforming amendments made to other statutes, including repeal of Section 6-4-1, the current statute describing DFA's capital outlay duties.

Subjects: Legislature; Interim Studies and Interim Committees; Capital Outlay Requests; State Affairs and State Agencies; County Affairs; Municipalities/City Government

Bill: SB34

Sponsors: Kernan (R42)

Title: LOWER SEVERANCE TAX RATE FOR CARBON DIOXIDE ENHANCED OIL RECOVERY METHOD

Analysis: Prefiled 01/19/2016 — Relates to the tax rate on tertiary oil production. Amends the Oil and Gas Severance Tax Act to reduce the tax rate from 3.75% to 1.875% percent, when the price of a barrel of oil falls below \$60, on oil that is produced using a tertiary carbon dioxide enhanced recovery method.

For purposes of determining the rate, "posted price" means the price of West Texas intermediate light sweet crude oil as published by the U.S. Energy Information Administration.

The lower rate applies on the taxable value on oil and on other liquid hydrocarbons removed from natural gas at or near the wellhead produced from a "qualified enhanced recovery project." The lower rate is subject to the annual average price of West Texas intermediate crude oil, determined by Taxation and Revenue Department by averaging the posted prices in effect on the last day of each month of the 12-month period ending on May 31 prior to the fiscal year in which the tax rate is to be imposed, being less than \$60 per barrel.

Under existing law, a "qualified enhanced recover project, on and after January 1, 1994," means the use or the expanded use of any process approved by the Oil Conservation Division pursuant to the Enhanced Oil Recovery Act for the displacement of oil and of other liquid hydrocarbons removed from natural gas at or near the wellhead from an oil well or pool classified by the OCD pursuant to Para. (11) of Subsec. B of Sec. 7-2-12 NMSA 1978, other than a primary recovery process; the term includes but is not limited to the use of a pressure maintenance process, a water flooding process and immiscible, miscible, chemical, thermal or biological process or any other related process.

Effective date of applicable rate is July 1, 2016.

Subjects: Taxation, Fees and Audits; Energy Resources and Chemicals; Business, Manufacturing and Economic Development; State Affairs and State Agencies

Bill: SB113a

Sponsors: Papen (D38); Pacheco (R23)

Title: ASSISTED OUTPATIENT TREATMENT ACT

Analysis: Prefiled 01/19/2016 — (Almost identical to 2015 SJC substitute for SB53 passed by the Senate, amended in HJC and passed by the House but died API) Proposes the Assisted Outpatient Treatment Act to provide a framework for assisted outpatient treatment for certain persons with a mental illness or disorder.

The bill represents, with only a few nonmaterial changes in language, the SJC sub for SB 53, but incorporates the HJC amendment in the House-passed version.

DEFINITION. Defines “assisted outpatient treatment” to mean categories of outpatient services ordered by a district court, including case management or assertive community treatment team services, prescribed to treat mental disorder in order to assist a patient in functioning in the community or to prevent harm to the patient or another or the need for hospitalization. The treatment may include:

- Medication;
- Periodic blood tests or urinalysis to determine compliance with prescribed medications or for the presence of drugs or alcohol;
- Individual or group therapy;
- Programming activities;
- Education and vocational training or activities;
- Alcohol and substance abuse treatment and counseling;
- Supervision of living arrangements; and
- Any other services that may be prescribed to treat the patient’s mental illness in order to assist a patient in functioning in the community or to prevent a deterioration of the patient’s mental or physical condition.

PERSONS SUBJECT TO ORDER. Specifies that a person may be ordered to participate in assisted outpatient treatment if a court finds clear and convincing evidence that the person:

- Is at least 18 years old;
- Is suffering from a primary diagnosis of mental disorder;
- Has demonstrated a history of noncompliance with mental illness treatment that has necessitated hospitalization or receipt of services in a mental health unit at least twice within the last four years; or has resulted in serious violent behavior or threats within the last four years; or has resulted in hospitalization or incarceration for six months or more and the person has been released within the past 60 days or is due for release in the next 30 days;
- Is unwilling or unlikely, as a result of mental disorder, to participate voluntarily in outpatient treatment that would enable him or her to live safely in the community without court supervision;
- Is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would likely result in serious harm to self or others; and
- Will likely benefit from assisted outpatient treatment.

ELIGIBLE PETITIONERS. A petition for an order authorizing assisted outpatient treatment may be filed in the district court for the county in which the respondent is present or is believed to be present by one of the following persons:

- A person at least 18 years old who resides with the respondent;
- The parent or spouse of the respondent;
- The sibling or child of the respondent (must be at least 18 years old);
- The director of a hospital caring for the respondent;
- The director of a public or charitable organization, agency or home that is housing and providing mental health services to the respondent;
- A qualified professional who has treated or supervised the treatment of the respondent within the last four years; or
- A surrogate decision-maker (i.e. an agent designated by the respondent, a guardian or a treatment guardian).

CRITERIA IN PETITION. A petition must include each criterion for assisted outpatient treatment; facts supporting the petitioner’s belief that the respondent meets each criterion (the hearing on the petition need not be limited to the stated facts); and whether the respondent is present or is reasonably believed to be present within the county where the petition is filed. The petition must be accompanied by the affidavit of a qualified professional stating either A) that the qualified professional has examined the respondent within 10 days of the filing, recommends assisted outpatient treatment and is willing to testify at the hearing; or B) that the qualified professional has been unable to persuade the respondent to submit to an examination within 10 days of the filing, but nonetheless believes that the respondent meets the criteria for treatment and is willing to examine the respondent and testify at the hearing.

PROTECTIVE ORDER. Each petition for assisted outpatient treatment must be accompanied by a motion seeking a qualified protective order regarding the respondent’s protected health information. The respondent has the right to an attorney at all stages of the proceedings. The court shall not order assisted outpatient treatment without examination by and testimony of a qualified professional. A respondent refusing an examination may be

compelled by the court to receive one. Details requirements for assisted outpatient treatment hearings and written proposed treatment plans.

CONDITIONS FOR COURT ORDER. The court shall order the respondent to receive assisted outpatient treatment if it finds that the respondent meets all relevant criteria. The court order shall provide for an initial treatment period of up to one year; specify the services to be provided; and direct one or more specified providers to arrange or provide all treatment. The court may order the administration of psychotropic drugs. If the court order includes medication, it shall state the types and dosage range necessary. The court may not order any treatment not recommended by the qualified professional. The court shall follow the decisions of any surrogate decision maker or advance directive unless there is good cause to order otherwise.

The determination by a court that a person is in need of assisted outpatient treatment shall not be construed as a determination that such person is incompetent.

CONTINUATION OF TREATMENT. Specifies content of applications for continued periods of treatment and applications to stay, vacate, modify or enforce an order; as well as the sequestration and confidentiality of records and court data compilation.

MATERIAL FAILURE TO COMPLY. If the qualified professional determines that a respondent has materially failed to comply with the assisted outpatient treatment ordered by the court, and believes that the respondent presents a serious danger to self or others and that detention is needed to prevent such harm, the qualified professional shall certify the need for detention and transport of the respondent for emergency evaluation and care. Failure to comply with an order of assisted outpatient treatment is not grounds for involuntary civil commitment or a finding of contempt of court, or for the use of force or restraints to administer medication.

HSD DUTY. The bill directs the Behavioral Health Services Division of HSD, in collaboration with the Interagency Behavioral Health Purchasing Collaborative, to prepare educational and training materials related to the provisions of the act.

PENALTIES. Specifies that any person knowingly making a false statement or providing false information or testimony in a petition for an order authorizing assisted outpatient treatment is guilty of a petty misdemeanor. A person who intentionally releases information or records closed to the public pursuant to the act, or who releases or makes other use of the records in violation of the act, is guilty of a fourth degree felony.

SUNSET. The bill now contains a sunset provision of Secs. 1-15, the entirety of the act, on July 1, 2021.

SPAC Committee Report 02/01/2016 — SPAC amendments to SB113 eliminate extensive reporting requirements imposed on courts and the Administrative Office of the Courts that were included in the bill; make mandatory the requirement that a qualified professional must personally examine the respondent within 10 days of the filing of the petition and present a proposed treatment plan to the court; and clarify that the court's order shall not conflict with testimony from a surrogate decision-maker or a respondent's advance directives for mental health treatment without good cause.

Goes next to the Senate Judiciary Committee.

Subjects: Health and Medical Practice; Courts and Civil Matters; Criminal Code; State Affairs and State Agencies; Human Services

Bill: SB224

Sponsors: Cisneros (D6)

Title: ADVANCED MAPPING AND RIO GRANDE TRAIL DEVELOPMENT.

Analysis: Introduced 01/27/2016 — (Conflicts with SB30) Creates the Advanced Mapping Fund; provides for advanced mapping of trails and rights of way by the Rio Grande Trail Commission (commission mentioned in bill title but not in body of bill), including trail development; makes an appropriation.

Appropriates \$1 million (GF nonreverting) to the Advanced Mapping Fund, to be administered by the Department of Energy, Minerals and Natural Resources, to provide for advanced mapping projects and state matching funds for federal grants and management of the Rio Grande Trail Project. Funds are authorized for use in FY2017 and subsequent years. Authorizes the hiring of a project coordinator to oversee the Rio Grande Trail Project, including overseeing the master plan and alignment study agreement; purchasing rights of way required for the trail corridor; coordinating with all affected entities; and planning, design and construction of the Rio Grande Trail.

Creates the Advanced Mapping Fund consisting of appropriations and donations from state and federal governments, political subdivisions of state or private entities, income from investment of the fund and money otherwise accruing to the fund. Money in the fund shall not revert to any other fund at end of fiscal year, including the General Fund.

Subjects: Appropriations; Natural Resources (Parks and Wildlife); State Affairs and State Agencies; Construction and Materials; Environment and Pollution; Land, Housing and Real Estate

Bill: SB244

Sponsors: Neville (R2)

Title: WORKERS' COMPENSATION: RATIONAL BASIS FOR EXEMPTING FARM AND RANCH LABORERS

Analysis: Introduced 01/29/2016 — Inserts a rational basis for the exemption of farm and ranch laborers into 52-1-6 under

the Workers Compensation Act. The Legislature finds that farm and ranch work is seasonal, many farm and ranch workers work temporarily and migrate from farm to farm and ranch to ranch and there is a high turnover in these workers.

All are factors making it difficult to track these workers and to identify the source of an illness or injury. The vagaries of weather and federal commodities pricing laws make it difficult for farm and ranch employers to reasonably assess on a seasonal basis their labor and insurance needs. The exemption of farm and ranch labor therefore represents a balancing of interests protecting these employers from unreasonable costs of providing insurance.

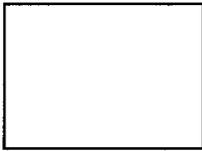
Subjects: Insurance; Labor; Agriculture and Ranching

Bill: SB281

Sponsors: Smith (D35)

Title: REPEALS FOOD DEDUCTION AND RELATED HOLD-HARMLESS DISTRIBUTIONS—CUTS TAX RATE

Analysis: Introduced 02/03/2016 — (Similar to 2015 SB274) Repeals both the gross receipts deduction for receipts from selling food and the hold-harmless distributions to municipalities and counties based on sales of food. Cuts gross receipts and compensating tax rates by one-eighth percent as of July 1, 2016. Declares an emergency. “Food” in this bill refers to food qualifying for the federal Supplemental Nutrition Assistance Program (SNAP) sold by qualifying retail stores. Currently the hold-harmless distribution related to food is to be phased-out in steps through June 30, 2029. This bill accelerates the distribution’s demise.



Defines “maximum distribution” for a municipality as the sum of deductions claimed under Section 7-9-93 for the month attributable to business locations in that municipality times (1) for municipalities with a population of less than 10,000 the combined rate of municipal local option gross receipts taxes in effect for the month plus a rate of 1.225 percent; and (2) for municipalities with populations of 10,000 or more the combined rate of local option gross receipts taxes in effect on January 1, 2007 plus 1.225 percent.

The definition for counties is similar, although the population dividing line is set at 48,000.

Hold-harmless distributions to municipalities and counties based on medical deductions claimed under Section 7-9-93 continue unchanged.

Subjects: Taxation, Fees and Audits; Family and Juveniles; County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development

Bill: SB284

Sponsors: Smith (D35)

Title: INCREASE GASOLINE AND SPECIAL FUELS TAXES—ADDITIONAL DISTRIBUTIONS FOR LOCAL PROJECTS

Analysis: Introduced 02/03/2016 — Raises the rates of the state gasoline and special (diesel) fuel taxes on July 1, 2019 by five cents/gallon and by one cent/gallon each July 1 thereafter until July 1, 2025. At this point the rates would be 27 cents/gallon for gasoline and 31 cents/gallon for special fuel. From July 1, 2025 on, the tax rates would be adjusted annually according to a federally calculated price index.



Resets as of July 1, 2019, the percentages for all existing distributions from gasoline and special fuels revenues. This keeps the actual distribution dollars approximately the same despite the tax rate increase, thereby making room for the three new distributions. Since these percentages are not adjusted for the post-2019 rate increases, these distributions will receive proportionate increases as the tax rates rise.

Creates three new distributions of fuel tax revenues, effective July 1, 2019.

● Additional distribution to municipalities and counties: 11.37 percent of gasoline tax revenues and 9.62 percent of special fuel tax revenues are to be distributed to municipalities (90 percent) and to counties (10 percent), based the ratio of taxable motor fuel sales of each recipient to the total for the recipient’s group. Money directed to the municipal maintenance and repair fund or county road fund, as appropriate, and may be spent only for reconstruction, resurfacing or other improvement or maintenance of existing roads and bridges. These distributions may not be bonded (except the portion distributed to the Carlsbad Brine Well Remediation Fund). Carlsbad and Eddy County must transfer 50 percent of their receipts from this distribution to the Carlsbad Brine Well Remediation Fund for the period July 1, 2019 through June 30, 2029.

● State Road Maintenance Fund: From July 1, 2019 through June 30, 2029, this fund receives 5.69 percent of gasoline tax revenues and 4.81 percent of special fuel tax revenues. On and after July 1, 2029, it is to receive 11.37 percent of gasoline tax revenues and 9.62 percent of special fuel tax revenues. Money may be spent only for reconstruction, resurfacing or other improvement or maintenance of existing roads and bridges and may not be bonded.

● Carlsbad Brine Well Remediation Fund: From July 1, 2019 through June 30, 2029, this fund receives 5.17 percent of gasoline tax revenues and 4.81 percent of special fuel tax revenues. Money may be spent only to remediate the Carlsbad brine well.

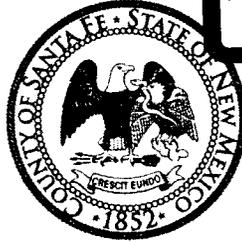
Subjects:

Taxation, Fees and Audits; Transportation; Business, Manufacturing and Economic Development; State Affairs and State Agencies; County Affairs; Municipalities/City Government; Construction and Materials

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

To: Santa Fe County Board of County Commissioners

Through: Katherine Miller, County Manager

From: Patricia Boies, Health Services Division, Community Services Department
Kyra Ochoa, Health Care Assistance Program Manager

Date: February 5, 2016

Re: Accountable Health Communities Grant Opportunity from Centers for Medicaid and Medicare Innovation

Issue: Whether Santa Fe County should apply for an Accountable Health Communities Grant from Centers for Medicaid and Medicare Innovation.

Description of Grant Opportunity

The Centers for Medicare and Medicaid Innovation, under the authority of the Affordable Care Act, has announced a grant opportunity for local governments (as well as tribes, community-based organizations, health care practices and health systems, institutions of higher education, and managed care organizations). The opportunity seeks to replicate and test the Accountable Health Communities model, which has been successfully implemented in Washington, Oregon, and Minnesota. A total of 44 grants will be awarded nationwide. The Santa Fe Community Services Department, in consultation with the County Manager and the Deputy County Manager, has submitted a nonbinding Letter of Intent to apply. The grant application must be submitted to Centers for Medicare and Medicaid Innovation by March 31, 2016.

The opportunity would allow Santa Fe County to act as a fiscal agent for CMS funding of up to \$4.5 million for a five-year period to test the Accountable Health Communities model in our region. The model builds on programs and initiatives the County is already piloting and implementing, particularly around care coordination and expanded roles for emergency medical services, and represents a significant new funding source for our work, as well as a better way to serve our low-income and elderly residents.



The Accountable Health Communities model calls for screening for health-related social needs and navigation to community resources of 75,000 Medicare and Medicaid enrollees in our region. The social needs that would be screened for include housing, transportation, food security, transportation, and domestic violence. The purpose is to determine the effect of linking to social services a portion of those screened (2,925 per year) who are also high utilizers of hospital emergency departments. The model would examine whether such linking reduces overall costs and improves health outcomes.

The Community Services Department is proposing that Santa Fe County pursue this grant opportunity and serve as the bridge organization to align counties' health agencies and providers in our region, in order to provide more accountable health care delivery to our rural residents. Because of the large number of "covered lives" required, and because our hospitals and health systems serve many of the same people, we have reached out to Rio Arriba, Los Alamos, and Taos Counties, who are all interested in partnering. Union and Colfax Counties have also expressed interest in participating.

These counties are in NM Department of Health Region 2, and DOH strongly supports a Santa Fe County application, which would represent a replicable model for our rural state. Partnering providers would include CHRISTUS St. Vincent, Presbyterian Hospital in Espanola, Taos Health Systems/Holy Cross, and Los Alamos Medical Center. Behavioral health providers such as PMS and Life Link would be invited to partner, as would Federally Qualified Health Clinics: La Familia Medical Center, El Centro, Pecos Valley, and First Choice in Edgewood.

Memoranda of understanding are required to be in place by the time of application for the grant, both with partnering governments and with partnering providers. We have met with staff from other counties and with the providers, all of whom are interested in moving forward as a consortium, with Santa Fe County as the leader in aligning community providers, acting as a hub for care coordination and data collection, and providing fiscal oversight. The State Human Services Department Medical Assistance Division is a required partner, and we are in communication with them.

Recommendation

We recommend that Santa Fe County pursue this grant opportunity, obtain the required memoranda of understanding with partnering governments and providers, and submit the application by the March 31, 2016 deadline.



Interstate Stream Commission Regional Water Planning Program

Jemez y Sangre Regional Water Plan

For Discussion February 5, 2016

Key Issues in Planning Region and Related Proposed PPPs

1. Protect Existing Supplies

- a. Forest health and restoration/forest fire prevention
- b. Long-term water level decline and impacts on La Cienega Springs
- c. Building resiliency of infrastructure under climate change (bridges and culverts)-SF Co GIS infrastructure mapping
- d. Augmented recharge from storm water management
- e. Lower SF River management plan (SF Co)
- f. Groundwater monitoring (La Cienega, Espanola Basin model, EBTAG) (SF Co)
- g. Water quality monitoring for non PWS wells (SF Co) *Public Water System*
- h. Santa Cruz Flood Control (Dam rehab and barriers) (SFP SWCD)
- i. Mitigate flood with Earthen embankments (Santa Clara Pueblo)
- j. Post-fire restoration (Bandelier) (NMED)
- k. Rio Grande Corridor Restoration at Buckman (NMED)
- l. Hexavalent chromium in regional aquifer beneath Los Alamos and other contaminants in surface water on the Pajarito Plateau (PPP?)

2. Improve System Efficiency

- a. Drinking water system technical assistance (SF Co)
- b. Acequia infrastructure maintenance and upgrade financing
- c. Regionalize water infrastructure (SF Co)
- d. Regionalize Wastewater System (SF Co)

3. Mitigate Drought

- a. Emergency stages for drought (SF Co)

4. Reduce Demand

- a. San Juan-Chama canal lining
- b. Use of reclaimed wastewater (City and Co of SF)
- c. Use restrictions on lots (SF Co)
- d. Roof-top harvesting (SF Co)
- e. Metering of domestic wells (SF Co)
- f. Collect and Analyze Agricultural Data for conservation (SF Co)

5. Increase Supply

- a. Implementation and funding of the Aamodt Settlement
- b. San Juan-Chama Diversion for Los Alamos
- c. Return flow credit application for City of SF

6. Others?



ISC Regional Water Planning Update

November 2015

Dear Interested Stakeholder:

I want to thank you for your ongoing efforts in support of effective regional and state water planning, and to provide some information on the status of the regional water plan process going forward.

The Interstate Stream Commission (ISC) is nearing completion of our internal review of the 16 Draft Regional Water Plan updates and will begin this month to disseminate a few each week to the regions. The goal is to have all draft plans finalized and accepted by the ISC Commissioners by the end of 2016.

Background

In 2013, the ISC revised its updating methodology to ensure concurrent and consistent updating of all 16 regional water plans. As part of this process, the ISC adopted a “common technical platform” approach to be used as a foundation from which each region can then develop plan details. Unchanged from the previous water plan development, a representative steering committee from each region is organized to work closely with the ISC to update their respective region’s plan.

A significant component of the common technical platform approach is the use of an “administrative water supply” method for determining each region’s present and future water supply. This approach is based on legal and administrative constraints coupled with hydrological data and trends. The state adopted the common technical platform in part to provide greater interregional consistency in addressing water supply and demand challenges and to foster improved coordination and cooperation on interregional and statewide water management issues. The revised update approach is detailed in the “2013 Updated Regional Water Planning Handbook: Guidelines to Preparing Updates to New Mexico Regional Water Plans” (“Handbook”) available on the Office of State Engineer website: <http://www.ose.state.nm.us/Planning>.

The ISC is optimistic that this approach will help make it easier to implement the policies, programs and projects contained in your updated regional water plans. The state’s major water infrastructure funding source, the Water Trust Board, uses as a funding criterion for proposed projects whether that project or program is included in an “ISC-accepted Regional Water Plan” (from Water Trust Board Project Management Policies, Section 1.3 Project Prioritization). The Water Trust Board also looks to the State Water Plan for guidance in identifying priority statewide projects and programs. Ensuring consistency between the 16 regional water plans is essential to effectively integrate them into the State Water Plan,

as required by law. The State Water Plan will be updated from the current 2003 State Water Plan once all of the 16 updated Regional Water Plans are accepted by the ISC.

Current Status and Next Steps

Over the past year and a half, the ISC and planning regions worked together to reconstitute and assemble the 16 regional steering committees per the 2013 Updated Regional Water Planning Handbook. The ISC, with its contractors' assistance, then worked with those regional steering committees to develop implementable strategies for solving each region's water challenges, which were incorporated into the draft regional water plans currently being reviewed by ISC. Meetings in your region will recommence when your region's updated draft plan is received by the Steering Committee for your review and input. ISC will send out to the steering committees the draft plan, along with guidance about how input will be gathered and addressed.

In order to complete all 16 regional plan updates within the next year, the ISC and its regional facilitators will be staging our work with the regions over the course of the year, and we will keep all the regions apprised of any scheduling changes. We ask that you have patience with this process and respect deadlines as provided by the facilitators for your region. The process going forward is generally as follows for all regions:

1. The ISC Water Planner will email to each region's steering committee that region's draft plan, providing as much time as possible in advance of your region's first ISC-facilitated meeting.
2. The ISC facilitator for your region will be in contact with your region (steering committee and interested stakeholders) about your first ISC-facilitated regional steering committee meeting. We encourage each steering committee to meet in advance of that meeting to internally review and discuss your draft.
3. ISC will be providing 3 facilitated meetings in your region.
4. ISC contractors will continue to coordinate with your steering committees on the dates and locations, as we did last year. More information on region-specific deadlines will be provided at your first meeting.

Information about the Interstate Stream Commission's state and regional water planning program is available on the OSE website. If you have questions or comments, please email us at ISC.WaterPlanning@state.nm.us. Please feel free to share this information.

Thank you for your interest and involvement in water planning in the State of New Mexico.

Sincerely,

Deborah K. Dixon, P.E.

Director

Interstate Stream Commission

The ISC Regional Water Planning Program