

# NEW MEXICO MINING ASSOCIATION

## FINAL LEGISLATIVE REPORT 2006

The following tracked Bills passed both the House & Senate and were signed by the Governor:

- HB 22 – Plugging Insurance as Surety for Oil & Gas**
- HB 23 – Air Quality Control Act Compliance**
- HB 24 – Health Insurance Coverage for Small Employers**
- HB 199 – Special Bulk Storage User Permits Eliminated**
- HB 240 – Protecting Emergency Responders**
- HB 410 – Voluntary Hazardous Waste Fees**
- HB 438 – Sanitary Projects Act**
- HB 478 – Workers Comp & Uninsured Employers Fund Liens**
- HB 535 – Weight-Distance Permit Enforcement**
- HB 687 – Underground Mine Emergency Measures**
- SB 226 – Workers Comp & Uninsured Employers Fund Liens**
- SB 628 – Under Ground Mine Emergency Measures**

The following tracked Memorials, Joint Memorials, & Joint Resolutions Passed:

- HJM 55 – Occupational Health & Safety Task Force**
- HJR 6 – Water Trust Fund Constitutional Amendment**
- HM 5 – Mercury Reduction Action Plan**
- HM 13 – Mercury in Dental Amalgam**
- HM 25 – Workers Comp Task Force**

<p><b>Bill:</b> HB21  <b>Sponsors:</b> Wirth (D47)  <b>Title:</b> OPEN SPACE CONSERVATION TAX CREDITS  <b>Summary:</b> Under both the state's personal income tax and corporate income tax, a credit can be earned equal to 50 percent of the fair market value of land (or an interest in land) conveyed to a public or private conservation agency for open space, conservation, agricultural preservation or like uses. This bill adds procedural steps to claim the credit.  <b>Subjects:</b> Taxation and Fees; Land, Housing and Real Estate; Agriculture and Ranching  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 01/25/2006 – House Taxation and Revenue Committee  <b>History:</b> 01/25/2006—H Reported Do Pass as amended by House Business &amp; Industry.</p>	<p><b>Subjects:</b> Energy Resources and Chemicals; Insurance  <b>Progress:</b> Pamphlet Law  <b>Status:</b> 03/06/2006 – Signed by the Governor  <b>History:</b> 03/06/2006—G Signed by the Governor (4:54 p.m., Executive Message 132, Laws 2006, Chp. 59).</p>	<p><b>Progress:</b> Pamphlet Law  <b>Status:</b> 03/06/2006 – Signed by the Governor  <b>History:</b> 03/06/2006—G Signed by the Governor 5:00 p.m., Executive Message 132, Laws 2006, Ch. 61).</p>	<p><b>Summary:</b> DEVELOPMENT  Amends the Eminent Domain Code to prohibit the transfer of property through eminent domain from one owner to another private entity for the purpose of private or commercial development.  <b>Subjects:</b> Courts and Civil Matters; Business, Manufacturing and Economic Development; Land, Housing and Real Estate  <b>Progress:</b> 1st House: Referred to Committee  <b>Status:</b> 01/18/2006 – House Rules Committee  <b>History:</b> 01/18/2006—H Introduced and referred to House Rules.</p>
<p><b>Bill:</b> HB22  <b>Sponsors:</b> Wirth (D47)  <b>Title:</b> PLUGGING INSURANCE AS SURETY FOR OIL AND GAS WELL OPERATORS  <b>Summary:</b> Authorizes the use of a plugging insurance policy to meet the requirement of financial assurance for an operator of an oil, gas or service well.</p>	<p><b>Bill:</b> HB23  <b>Sponsors:</b> Wirth (D47)  <b>Title:</b> AIR QUALITY CONTROL ACT COMPLIANCE  <b>Summary:</b> Amends the Air Quality Control Act to provide the Environment Department secretary or director of Air Quality Control with authority to revoke or suspend an air quality permit based on "alleged" violations of a noncompliance order previously issued under provisions of Sec. 74-2-12. The violator could be assessed a civil penalty up to \$25,000 for each day of noncompliance with the order. For failure to comply with an administrative order or pay a civil penalty, the secretary or director is given authority to initiate an action to suspend or revoke the permit or to bring a civil action in district court to enforce compliance.  <b>Subjects:</b> Utilities; Energy Resources and Chemicals; Environment and Pollution</p>	<p><b>Bill:</b> HB24  <b>Sponsors:</b> Wirth (D47)  <b>Title:</b> HEALTH INSURANCE COVERAGE FOR SMALL EMPLOYERS  <b>Summary:</b> (Identical to SB381) A small employer is eligible for an approved health plan if at least 50 percent of employees who are not otherwise insured elect to be covered, and the employer has maintained uninterrupted coverage during the previous three years and does not offer other "general group coverage" to employees.  <b>Subjects:</b> Health and Medical Practice  <b>Related:</b> 2006: SB381  <b>Progress:</b> Pamphlet Law  <b>Status:</b> 02/24/2006 – Signed by the Governor  <b>History:</b> 02/24/2006—G Signed by the Governor (3:06 p.m., Executive Message 126, Laws 2006, Ch. 3).</p>	<p><b>Bill:</b> HB32  <b>Sponsors:</b> Lundstrom (D9)  <b>Title:</b> NORTHWEST NEW MEXICO ENVIRONMENTAL JUSTICE PROGRAM  <b>Summary:</b> Provides \$75,000 (GF) to the Local Government Division of the Department of Finance and Administration to implement and administer a demonstration program in San Juan, McKinley and Cibola counties designed to help communities understand and reduce risks due to toxins from all sources and help communities build self-sustaining, community-based</p>
<p><b>Bill:</b> HB27  <b>Sponsors:</b> Cheney (R2)  <b>Title:</b> RESTRICTS USE OF EMINENT DOMAIN TO PROMOTE ECONOMIC</p>			

**Subjects:** partnerships to improve local environments. The program will match state funds with federal grants. Appropriations; Environment and Pollution

**Progress:** 1st House: Reported from Committees

**Status:** 01/26/2006 – House Appropriations and Finance Committee

**History:** 01/26/2006—H Reported without recommendation by House Energy & Natural Resources.

**Related:** Resources and Chemicals; Indians

**Progress:** 2006:SB464

**Status:** 2nd House: Passed 02/16/2006 – Passed in the Senate

**History:** 02/16/2006—S Senate failed to recede from amendments Conference Committee Appointed: Taylor, Cisneros, Leavell. 02/16/2006—H Note: Conference Committee Appointed: Whitaker, Gonzales, Taylor.

**Subjects:** million for the Pecos River settlement; \$30 million for the Middle Rio Grande Collaborative program; \$7 million for the Gila River settlement; \$70 million for the Ute Pipeline Project; and \$50 million for acequia and dam safety improvements statewide.

**Progress:** Appropriations; Water; Courts and Civil Matters

**Status:** 1st House: Reported from Committees 01/30/2006 – House Appropriations and Finance Committee

**History:** 01/30/2006—H Reported Do Pass as amended by House Energy & Natural Resources.

**Subjects:** other credit applied. The credit is not refundable but may be carried forward for three years. Taxation and Fees; Business, Manufacturing and Economic Development

**Related:** 2006:HB200; 2006:SB254

**Progress:** 1st House: Reported from Committees

**Status:** 02/11/2006 – Substituted by another bill

**History:** 02/11/2006—H Reported Do Not Pass by House Taxation & Revenue. 02/11/2006—H Note: See HB82 for succeeding entries.

**Bill:** HB36

**Sponsors:** Heaton (D55)

**Title:** ANGEL INVESTMENT CREDIT

**Summary:** An individual investing in certain research and manufacturing businesses may claim a state income tax credit equal to 25 percent of the investment, with a maximum credit per investment of \$25,000. Claims may be submitted for no more than three qualified investments in a year. Claims for investment in the same or a successor business may be made for no more than three years. The credit applies only to investments in the period 2006 through 2010. Credits are not refundable but may be carried forward for three consecutive years.

**Subjects:** Taxation and Fees; Business, Manufacturing and Economic Development

**Progress:** 1st House: Reported from Committees

**Status:** 01/25/2006 – House Taxation and Revenue Committee

**History:** 01/25/2006—H Reported Do Pass as amended by House Business & Industry.

**Bill:** HB111

**Sponsors:** Campos, J. (D63)

**Title:** RENEWABLE ENERGY TRANSMISSION AUTHORITY ACT

**Summary:** Creates the Energy Transmission and Storage Act and a five-member Renewable Energy Transmission and Storage Authority. The authority would have the power to issue and sell revenue bonds and use the proceeds to finance eligible facilities or to plan, acquire and operate them through leases. The act contemplates the use of low- or zero-emissions generation technology, and renewable energy resources that may include solar, wind, hydropower and geothermal resources, biomass resources, but does not include electric energy generated by use of fossil fuel or nuclear energy. The authority is not subject to the jurisdiction of the Public Regulation Commission, however, this does not allow a public utility to include the cost of using eligible facilities in its rate base without approval from the PRC.

**Subjects:** Utilities; Taxation and Fees; Appropriations

**Progress:** 2nd House: Referred to Committee

**Status:** 02/13/2006 – Senate Finance Committee

**History:** 02/13/2006—H Placed on House Calendar. 02/13/2006—H Opened for floor debate. 02/13/2006—H Floor amendments adopted (Campos). 02/13/2006—H Passed 50-8. 02/13/2006—S Received in the Senate and referred to Senate Finance.

**Bill:** HB123

**Sponsors:** Wirth (D47)

**Title:** MANDATORY COMBINED FILING

**Summary:** Requires related corporations to file state corporate income tax returns on a combined (unitary) basis (one of the filing methods currently permitted). Such affiliated corporations would lose the options they currently have of filing together on a federal consolidated basis or of filing separately as individual corporations. Because mandatory combined filing presumably would generate more corporate income tax liability, the top corporate income tax rate drops from 7.6 percent to 7.2 percent to compensate.

**Subjects:** Taxation and Fees; Business, Manufacturing and Economic Development

**Progress:** 1st House: Referred to Committee

**Status:** 01/18/2006 – House Business and Industry Committee

**History:** 01/18/2006—H Introduced and referred to House Business & Industry. 01/18/2006—H Also referred to House Taxation & Revenue.

**Bill:** HB131

**Sponsors:** Stell (D54)

**Title:** SALT BASIN WATER USES

**Summary:** Provides \$50,000 (GF) to the Office of the State Engineer to assess New Mexico's options to put Salt Basin water to beneficial use.

**Subjects:** Water; Appropriations

**Progress:** 1st House: Reported from Committees

**Status:** 01/26/2006 – House Appropriations and Finance Committee

**History:** 01/26/2006—H Reported Do Not Pass but Do Pass as substituted by House Agriculture & Water Resources.

**Bill:** HB132

**Sponsors:** Stell (D54)

**Title:** WATER TRUST FUND NONREVERTING

**Summary:** Provides that money in the Water Trust Fund does not revert to the general fund.

**Subjects:** Water; Taxation and Fees

**Progress:** 1st House: Referred to Committee

**Status:** 01/18/2006 – House Rules Committee

**History:** 01/18/2006—H Introduced and referred to House Rules.

**Bill:** HB82

**Sponsors:** Taylor, T. (R1)

**Title:** INTERGOVERNMENTAL COMPENSATING TAX CREDIT

**Summary:** (For the Revenue Stabilization and Tax Policy Committee) To mitigate some effects of dual taxation on tribal lands, this bill proposes a credit against the compensating tax due on the construction or operation of a coal-fired electric generating station on the New Mexico portion of the Navajo Nation, for construction commencing no earlier than December 31, 2007. The credit equals the lesser of 85 percent of the compensating tax otherwise due or the aggregate of possessory interest, business activity and ad valorem tax imposed by the Navajo Nation and paid or, alternatively, a fixed annual in-lieu-of amount paid to the Navajo Nation by agreement. This credit is structured similarly to other intergovernmental credits.

**Subjects:** Taxation and Fees; Energy

**Bill:** HB121

**Sponsors:** Stewart (D21)

**Title:** WATER PROJECTS OF STATEWIDE SIGNIFICANCE: \$280 MILLION

**Summary:** (For the Water and Natural Resources Committee) Provides \$280 million (GF) to the Office of the State Engineer for use in 2006 and 2007 to implement the following projects: \$75 million for Indian water rights and regional community settlements (includes Navajo, Taos and Aamodt settlements); \$48

**Bill:** HB128

**Sponsors:** Salazar (D40)

**Title:** ADVANCED ENERGY PRODUCT MANUFACTURERS CREDIT

**Summary:** Creates the advanced energy product manufacturers tax credit, modeled after the investment credit to encourage manufacturers of advanced energy products (such as fuel cell systems and renewable energy systems) to locate in New Mexico. The credit is up to five percent of qualified expenditures. It can be applied against the taxpayer's gross receipts (state portion only), compensating and withholding tax liabilities as well as, where applicable, interstate telecommunications gross receipts tax and two telecommunications-related surcharges, net of any

**Bill:** HB134

**Sponsors:** Stell (D54)

**Title:** WATER TRUST FUND

**Summary:** (For the Water and Natural Resources Committee) Provides \$100 million (GF) to the Water Trust Fund to carry out the purposes of the Water Project Finance Act.

**Subjects:** Appropriations; Water

**Progress:** 1st House: Reported from Committees

**Status:** 01/24/2006 – House Appropriations and Finance Committee

**History:** 01/24/2006—H Reported Do Pass by House Agriculture & Water Resources.

**Bill:** HB136

**Sponsors:** Nunez (D36)

**Title:** STATE ENGINEER WATER MASTERS

**Summary:** (For the Water and Natural Resources Committee) Provides \$1 million (GF) to the Office of the State Engineer to pay the costs of employing water

masters for the administration of the active water management program.  
**Subjects:** Appropriations; Water  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/26/2006 – House Appropriations and Finance Committee  
**History:** 01/26/2006—H Reported Do Pass as amended by House Agriculture & Water Resources.

**Bill:** HB137  
**Sponsors:** Nunez (D36)  
**Title:** NMSU WASTE EDUCATION RESEARCH CONSORTIUM  
**Summary:** Provides \$200,000 (GF) to NMSU's board of regents to expand outreach for the Waste Education Research Consortium.  
**Subjects:** Appropriations; Environment and Pollution  
**Progress:** 1st House: Reported from Committees  
**Status:** 01/27/2006 – House Appropriations and Finance Committee  
**History:** 01/27/2006—H Reported Do Pass by House Education.

**Bill:** HB144  
**Sponsors:** Hanosh (D6)  
**Title:** PRODUCED WATER TAX CREDIT  
**Summary:** Oil and natural gas operators can claim a credit against personal income tax or corporate income tax, as appropriate, of \$1,000 per acre-foot of produced water. The maximum credit amount is \$400,000 per year. The operator must deliver and transfer title to the produced water to the Interstate Stream Commission at the Pecos River in a manner approved by the commission to meet delivery obligations under the Pecos River Compact. The water must meet federal and state clean water laws and regulations.  
**Subjects:** Taxation and Fees; Business, Manufacturing and Economic Development; Energy Resources and Chemicals; Water  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/11/2006 – Substituted by another bill  
**History:** 02/11/2006—H Reported Do Not Pass by House Taxation & Revenue. 02/11/2006—H Note: See HB82 for succeeding entries.

**Bill:** HB152  
**Sponsors:** Gonzales (D42)  
**Title:** SUSTAINABLE DEVELOPMENT TESTING SITES  
**Summary:** (Identical to SB650) Allows counties, following state review, to issue permits in specific rural areas for "sustainable development testing sites" of up to two acres. The object is to

encourage the testing of concepts and inventions related to sustainable development, including energy, housing, water-harvesting, sewage treatment, food production and bio-fuel production. The sites make it possible to test under year-round weather conditions. Certain state and local laws, ordinances and rules may be waived. Inhabitants of the sites must be given disclosure statements.

**Subjects:** Land, Housing and Real Estate; Environment and Pollution; County Affairs; State Affairs and State Agencies; Agriculture and Ranching; Water  
**Related:** 2006:SB650  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/14/2006 – House Calendar  
**History:** 02/14/2006—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.

**Bill:** HB163  
**Sponsors:** Ezzell (D58)  
**Title:** WATER RIGHTS TRANSFERS FROM ARTESIAN DISTRICTS  
**Summary:** Provides conditions for an applicant seeking approval from the State Engineer to transfer water use rights from within an artesian conservancy district to a place outside the boundaries of the district.  
**Subjects:** Water; Agriculture and Ranching; Environment and Pollution; Land, Housing and Real Estate  
**Progress:** 2nd House: Reported from Committees  
**Status:** 02/15/2006 – Senate Calendar  
**History:** 02/15/2006—S Referral withdrawn from Senate Judiciary. 02/15/2006—S Placed on Senate Calendar.

**Bill:** HB183  
**Sponsors:** Cervantes (D52)  
**Title:** WATER RIGHTS ADJUDICATIONS  
**Summary:** (For the Water and Natural Resources Committee) Provides \$10 million (GF) to the Office of the State Engineer to pay for costs of water-rights adjudications.  
**Subjects:** Appropriations; Water  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/01/2006 – House Appropriations and Finance Committee  
**History:** 02/01/2006—H Reported Do Pass as amended by House Agriculture & Water Resources.

**Bill:** HB198  
**Sponsors:** Gonzales (D42)  
**Title:** LOCAL OPTION COMPENSATING TAXES  
**Summary:** (For the Revenue Stabilization and Tax Policy Committee) Requires municipalities and counties, whenever they impose a local-option gross

receipts tax, to impose a companion local-option compensating tax at the same rate as the local option gross receipts tax. The bill itself imposes local-option compensating taxes to match the existing local-option gross receipts taxes in place on July 1, 2006. Unlike last year's final version, this bill contains no exemptions specifically from the local-option compensating taxes.  
**Subjects:** Taxation and Fees; Business, Manufacturing and Economic Development; County Affairs; Municipalities/City Government  
**Progress:** 2nd House: Referred to Committee  
**Status:** 02/07/2006 – Senate Corporations and Transportation Committee  
**History:** 02/07/2006—S Received in the Senate and referred to Senate Corporations & Transportation. 02/07/2006—S Also referred to Senate Finance.

**Bill:** HB199  
**Sponsors:** Gonzales (D42)  
**Title:** SPECIAL BULK STORAGE USER PERMITS ELIMINATED  
**Summary:** (For the Revenue Stabilization and Tax Policy Committee) Special bulk storage user permits will no longer be valid or issued by the Taxation and Revenue Department, effective May 27, 2006. From that date, gallons of special fuel (diesel or kerosene) sold to a permit holder may no longer be deducted for special fuels excise tax purposes.  
**Subjects:** Taxation and Fees; Transportation; Agriculture and Ranching  
**Progress:** Governor  
**Status:** 03/07/2006 – Signed by the Governor  
**History:** 03/07/2006—G Signed by the Governor (signed 3/6/2006).

**Bill:** HB200  
**Sponsors:** Gonzales (D42)  
**Title:** ADVANCED ENERGY PRODUCT MANUFACTURERS CREDIT  
**Summary:** (For the Revenue Stabilization and Tax Policy Committee) Creates the advanced energy product manufacturers tax credit, modeled after the investment credit to encourage manufacturers of advanced energy products (such as fuel cells and renewable energy systems) to locate in New Mexico. The credit is up to five percent of qualified expenditures. It can be applied against the taxpayer's gross receipts (state portion only), compensating and withholding tax liabilities as well as, where applicable, interstate telecommunications gross

receipts tax and two telecommunications-related surcharges, net of any other credit applied. The credit is not refundable but may be carried forward for three years.  
**Subjects:** Taxation and Fees; Business, Manufacturing and Economic Development  
**Related:** 2006:HB128; 2006:SB254  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/18/2006 – House Business and Industry Committee  
**History:** 01/18/2006—H Introduced and referred to House Business & Industry. 01/18/2006—H Also referred to House Taxation & Revenue.

**Bill:** HB240  
**Sponsors:** Stapleton (D19)  
**Title:** EMERGENCY RESPONDER JOB TERMINATION  
**Summary:** Creates the Volunteer Emergency Responder Job Protection Act to prohibit the termination or demotion of any employee who responds to a declared emergency or disaster in the course of membership in a volunteer response team such as a fire department, emergency medical team or search and rescue team.  
**Subjects:** Labor; Business, Manufacturing and Economic Development; Public Safety and Corrections  
**Progress:** Governor  
**Status:** 03/08/2006 – Signed by the Governor  
**History:** 03/08/2006—G Signed by the Governor (signed 3/7/2006).

**Bill:** HB272  
**Sponsors:** Martinez, W. (D69)  
**Title:** WATER TRUST FUND CONTINGENT APPROPRIATION  
**Summary:** A measure introduced in anticipation of adoption by the people of a constitutional amendment in the 2006 General Election to establish a Water Trust Fund. Makes a contingency GF appropriation of \$100,000,000 to the Water Trust Fund. No distribution from this fund could be made until January 1, 2007. If the constitutional amendment fails, this appropriation would automatically transfer back to GF.  
**Subjects:** Water; Constitutional Amendments; Appropriations  
**Progress:** 2nd House: Reported from Committees  
**Status:** 02/15/2006 – Senate Calendar  
**History:** 02/15/2006—S Referral withdrawn from Senate Finance.

**Bill:** HB276  
**Sponsors:** Silva (D13)  
**Title:** VALUATION OF ELECTRIC

**Summary:** UTILITY PROPERTY Aims at resolving a conflict between the Property Tax Division of the Taxation and Revenue Department and electric utilities over valuation of property used in generating, transmitting or distributing electricity. "Economic obsolescence" and "functional obsolescence" are defined. Electric utilities may elect to have their property valued in one of two ways. Once an election is made, that valuation method must be used for three consecutive tax years before the taxpayer may petition the Secretary of Taxation and Revenue for a change. For the petition to be successful, the taxpayer must show that the net effect of changes in laws, regulations and circumstances produces a substantial adverse effect under the valuation method in use compared with the alternative.

**Subjects:** Taxation and Fees; Utilities

**Progress:** 2nd House: Reported from Committees

**Status:** 02/08/2006 – Senate Finance Committee

**History:** 02/08/2006—S Reported Do Pass by Senate Conservation.

**Bill:** HB296

**Sponsors:** Moore (R67)

**Title:** WATER TRUST FUND

**Summary:** Appropriates \$100 million (GF) to the Water Trust Fund to carry out the purposes of the Water Project Finance Act.

**Subjects:** Appropriations; Water

**Progress:** 1st House: Reported from Committees

**Status:** 02/01/2006 – House Appropriations and Finance Committee

**History:** 02/01/2006—H Reported Do Pass by House Agriculture & Water Resources.

**Bill:** HB302

**Sponsors:** Moore (R67)

**Title:** USDA WATER CONSERVATION PROJECTS

**Summary:** Appropriates \$500,00 (GF) to the NMSU Board of Regents for the Soil and Water Conservation Districts to match federal funds for water conservation and resource restoration technical assistance under an agreement with the U.S. Department of Agriculture Natural Resource Conservation Services.

**Subjects:** Appropriations; Water; Agriculture and Ranching

**Progress:** 1st House: Reported from Committees

**Status:** 01/30/2006 – House Appropriations and Finance Committee

**History:** 01/30/2006—H Reported Do Pass by House Energy & Natural Resources.

**Bill:** HB314

**Sponsors:** Heaton (D55)

**Title:** UNIFORM ENVIRONMENTAL COVENANTS

**Summary:** (For the Radioactive and Hazardous Materials Committee) Provides for covenants that restrict the use of real property that is subject to environmental remediation under a federal or state program, or as the result of closure of a solid- or hazardous-waste management site or under a cleanup program authorized in the Voluntary Remediation Act. The right of the Environment Department or any other state or federal agency that approves the environmental response project under which the covenant is created would not constitute an interest in property.

**Subjects:** Environment and Pollution; Land, Housing and Real Estate; Appropriations

**Progress:** 2nd House: Reported from Committees

**Status:** 02/15/2006 – Senate Finance Committee

**History:** 02/15/2006—S Reported Do Pass as amended by Senate Judiciary.

**Bill:** HB317

**Sponsors:** Silva (D13)

**Title:** COMMERCIAL CARRIER CHANGES; INCREASED PENALTIES

**Summary:** Tightens existing requirements concerning payment of weight-distance taxes, increases length limits for buses and other carriers and enhances penalties for certain violations.

**Subjects:** Transportation; Taxation and Fees

**Related:** 2006:SB333

**Progress:** 2nd House: Passed

**Status:** 02/15/2006 – Passed in the Senate

**History:** 02/15/2006—S Reported Do Pass by Senate Finance. 02/15/2006—S Opened for floor debate. 02/15/2006—S Floor amendments failed (Jennings). 02/15/2006—S Floor amendments adopted (Payne). 02/15/2006—S Passed 37-0.

**Bill:** HB379

**Sponsors:** Martinez, W. (D69)

**Title:** CAMPAIGN CONTRIBUTION CASH LIMIT

**Summary:** Amends the Campaign Reporting Act to limit cash contributions to a candidate or campaign committee to \$100 per person per election.

**Subjects:** Elections; State Affairs and State Agencies

**Progress:** 1st House: Reported from Committees

**Status:** 02/04/2006 – House Voters and Elections Committee

**History:** 02/04/2006—H Reported Do Pass by House Consumer & Public Affairs.

**Bill:** HB410

**Sponsors:** Heaton (D55)

**Title:** VOLUNTARY HAZARDOUS WASTE FEES

**Summary:** (For the Radioactive and Hazardous Materials Committee) (HEM55) (Identical to SB521) Authorizes the Department of Environment to enter into a voluntary agreement with a business generating hazardous waste in lieu of some or all of the fees required under Sec. 74-4-4.2(J). The fees include a hazardous-waste business fee, generation fee, permit-application fee and an annual permit-management fee. Applies also to businesses conducting hazardous-waste management or applying for a permit.

**Subjects:** Environment and Pollution; Taxation and Fees; State Affairs and State Agencies

**Related:** 2006:SB521

**Progress:** Governor

**Status:** 03/08/2006 – Signed by the Governor

**History:** 03/08/2006—G Signed by the Governor (signed 3/7/2006).

**Bill:** HB437

**Sponsors:** Nunez (D36)

**Title:** SURFACE OWNERS PROTECTION ACT (HEM 72)

**Summary:** Oil and gas operators must compensate the surface owner for use of the surface owner's property and any damages sustained by the owner or a tenant of the owner, including harm to the watershed, aquifers or water supply on or under the property and costs of reclamation, if the operator fails to reclaim the property properly. The operator must reclaim all surface directly affected by the oil and gas operations.

**Subjects:** Agriculture and Ranching; Business, Manufacturing and Economic Development; Energy Resources and Chemicals; Land, Housing and Real Estate; Courts and Civil Matters

**Related:** 2006:SB631

**Progress:** 2nd House: Referred to Committee

**Status:** 02/11/2006 – Senate Judiciary Committee

**History:** 02/11/2006—H Placed on House Calendar. 02/11/2006—H Opened for floor debate. 02/11/2006—H Passed 59-1. 02/11/2006—S Received in the Senate and referred to Senate Conservation. 02/11/2006—S Also referred to Senate Judiciary. 02/11/2006—S Referral withdrawn from Senate Conservation.

**Bill:** HB438

**Sponsors:** Nunez (D36)

**Title:** SANITARY PROJECTS ACT

**Summary:** (For the Water and Natural Resources Committee) Proposes broad and detailed changes to the Sanitary Projects Act, which was first authorized by the Legislature in 1947 as a public health measure to render rural water supplies safe to drink, and has since become in large part obsolete. Much of the language of the act has become irrelevant or inapplicable. HB438 incorporates changes developed over a four-year period by the New Mexico Rural Water Association, the New Mexico Environment Department and other stakeholders, to define and clarify current procedures and practices.

**Subjects:** Water; Municipalities/City Government; State Affairs and State Agencies; Health and Medical Practice

**Progress:** Governor

**Status:** 03/07/2006 – Signed by the Governor

**History:** 03/07/2006—G Signed by the Governor (signed 3/6/2006).

**Bill:** HB478

**Sponsors:** Lujan, B. (D46)

**Title:** WORKERS COMP TAX REFUND INTERCEPT PROGRAM

**Summary:** (Identical to SB226) Amends the Tax Refund Intercept Program Act to authorize amounts owed under the Uninsured Employers' Fund and the Workers' Compensation Act to be treated as a legally enforceable debt of an employer that may be secured by a warrant of levy and lien and collected from the employer by the Labor Department or the Worker' Compensation Administration.

**Subjects:** Insurance; Taxation and Fees; Business, Manufacturing and Economic Development; Labor

**Related:** 2006:SB226

**Progress:** Governor

**Status:** 03/03/2006 – Signed by the Governor

**History:** 03/03/2006—G Signed by the Governor (signed 03/02/2006).

**Bill:** HB482

**Sponsors:** Stewart (D21)

**Title:** UNEMPLOYMENT COMPENSATION RATE SUNSET

**Summary:** In 2005, a temporary reduction in the unemployment compensation rate was enacted. The lower rate expires either on January 1, 2008, or on the January 1 following a certification that the unemployment compensation fund balance is less than 2.5 percent of total payrolls. This bill removes the contingent sunset, keeping the lower rates in effect until January 1, 2008. Effective upon governor's signature.

**Subjects:** Taxation and Fees; Labor;

**Progress:** Business, Manufacturing and Economic Development; State Affairs and State Agencies  
**Status:** 2nd House: Passed  
 02/15/2006 – Passed in the Senate  
**History:** 02/15/2006—S Opened for floor debate.  
 02/15/2006—S Floor amendments adopted (Rawson).  
 02/15/2006—S Passed 37-0.

**Bill:** HB483  
**Sponsors:** Stewart (D21)  
**Title:** UNEMPLOYMENT INSURANCE TASK FORCE  
**Summary:** Appropriates \$10,000 (GF) to the Legislative Council Service to fund operations of the Unemployment Insurance Task Force which will be formed to study the adequacy, efficiency and fiscal soundness of the state's unemployment insurance program and report to the Legislature by December 31, 2006. The 15-member task force will be comprised of various legislators, state employees, members of the public and business community, and the secretaries of Labor and Finance and Administration or their designees.  
**Subjects:** Appropriations; Insurance; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Labor; Interim Studies and Interim Committees  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/24/2006 – House Business and Industry Committee  
**History:** 01/24/2006—H Introduced and referred to House Business & Industry.  
 01/24/2006—H Also referred to House Appropriations & Finance.

**Bill:** HB499  
**Sponsors:** Stell (D54)  
**Title:** WATER PROJECT FUND  
**Summary:** Appropriates \$100 million (GF) for investment into the Water Trust Fund, a permanent fund designed to finance purposes of the Water Project Finance Act. Amends the act to specify that no money in the fund shall revert or be expended for any purpose other than the annual distribution to the Water Project Fund.  
**Subjects:** Appropriations; Water; State Affairs and State Agencies; Agriculture and Ranching  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/07/2006 – House Appropriations and Finance Committee  
**History:** 02/07/2006—H Reported Do Pass as amended by House Agriculture & Water Resources.

**Bill:** HB521  
**Sponsors:** Herrera (D39)  
**Title:** FEDERAL ROADLESS AREAS TASK FORCE  
**Summary:** Appropriates \$500,000 (GF) to the Energy, Minerals and Natural Resources Department for creation of the Roadless Areas Review Task Force. The task force is to hold public hearings in 15 New Mexico communities by September 15, 2006 to solicit and consider written and oral comments on federal rules regarding roadless-area designations. The task force is to then make recommendations to the governor for forwarding to the U.S. Secretary of Agriculture. The 12 committee members will be appointed and with members representing agriculture, recreation, environmental, county, tribal and land-grant interests.  
**Subjects:** Appropriations; Environment and Pollution; Natural Resources (Parks and Wildlife); Agriculture and Ranching; County Affairs; Indians  
**Progress:** 2nd House: Referred to Committee  
**Status:** 02/09/2006 – Senate Conservation Committee  
**History:** 02/09/2006—S Received in the Senate and referred to Senate Conservation.

**Bill:** HB535  
**Sponsors:** King (D50)  
**Title:** WEIGHT DISTANCE PERMIT REVENUE AND ENFORCEMENT  
**Summary:** (HEM87) The Taxation and Revenue Department may use the revenue from weight-distance-tax identification permits to enforce proper use of the permit, as well as to defray costs of issuing and administering the permit.  
**Subjects:** Appropriations; State Affairs and State Agencies; Transportation  
**Progress:** Governor  
**Status:** 03/03/2006 – Signed by the Governor  
**History:** 03/03/2006—G Signed by the Governor (signed 03/02/2006).

**Bill:** HB579  
**Sponsors:** Lundstrom (D9)  
**Title:** NORTHWEST NEW MEXICO ENVIRONMENTAL PLANNING  
**Summary:** Provides \$75,000 (GF) to DFA's Local Government Division for a demonstration program in San Juan, McKinley and Cibola counties designed to help communities understand and reduce risks due to toxins from all sources through collaborative action at the local level. The long-term goal is to help communities build self-sustaining, community-based partnerships that will continue to improve local environments in the future

**Subjects:** and ensure balance among all stakeholders.  
 Appropriations;  
 Environment and Pollution  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/03/2006 – House Appropriations and Finance Committee  
**History:** 02/03/2006—H Reported Do Pass as amended by House Energy & Natural Resources.

**Bill:** HB600  
**Sponsors:** Fox-Young (R30)  
**Title:** PRC SETTLEMENT RESTRICTIONS  
**Summary:** (Identical to SB638) Provides that when a telecommunications company appeals an order of the Public Regulation Commission to the Supreme Court, the PRC may not compromise or settle the dispute prior to a final decision by that court unless certain conditions are met.  
**Subjects:** Telecommunications; Appropriations; Courts and Civil Matters  
**Related:** 2006:SB638  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/26/2006 – House Business and Industry Committee  
**History:** 01/26/2006—H Introduced and referred to House Business & Industry.  
 01/26/2006—H Also referred to House Judiciary.  
 01/26/2006—H Also referred to House Appropriations & Finance.

**Bill:** HB618  
**Sponsors:** Balderas (D68)  
**Title:** SOLID-WASTE TRANSPORTATION GRANT FUND  
**Summary:** Appropriates \$5 million (GF) to the Department of Environment for a nonreverting Solid Waste Transportation Grant Fund to reimburse municipalities that transport solid waste to a landfill facility 15 miles or more from its boundary. Requires reimbursement to be calculated on a formula of per ton and per mile. The Environmental Improvement Board establishes rules for managing the fund.  
**Subjects:** Environment and Pollution; Municipalities/City Government; Appropriations  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/03/2006 – House Appropriations and Finance Committee  
**History:** 02/03/2006—H Reported Do Pass by House Transportation.

**Bill:** HB687  
**Sponsors:** Heaton (D55)  
**Title:** UNDERGROUND MINE EMERGENCY MEASURES  
**Summary:** (Identical to SB628) (HEM112) Establishes notification procedures in

the event of an underground mine accident, provides for additional safety measures and proposes civil and criminal penalties for violations.  
**Subjects:** Energy Resources and Chemicals; Environment and Pollution; State Affairs and State Agencies; Public Safety and Corrections; Criminal Code  
**Related:** 2006:SB628  
**Progress:** Governor  
**Status:** 03/08/2006 – Signed by the Governor  
**History:** 03/08/2006—G Signed by the Governor (signed 3/7/2006).

**Bill:** HB794  
**Sponsors:** Stell (D54)  
**Title:** COMPLIANCE ORDERS FOR WATER VIOLATIONS  
**Summary:** (Identical to SB684) (HEM118) (For the Water and Natural Resources Committee) Specifies that a compliance order issued by the State Engineer may include an order to cease the violation of a requirement or prohibition of the Chapter 72 water laws; may be a directive issued in accordance with Sec. 72-2-8, which pertains to regulations, codes or orders promulgated by the State Engineer; or may be a condition of a permit or license issued by the State Engineer or an order entered by a court adjudicating water rights.  
**Subjects:** Water; Agriculture and Ranching; Courts and Civil Matters  
**Related:** 2006:SB684  
**Progress:** 2nd House: Referred to Committee  
**Status:** 02/15/2006 – Senate Conservation Committee  
**History:** 02/15/2006—H Placed on House Calendar.  
 02/15/2006—H Opened for floor debate.  
 02/15/2006—H Passed 60-0.  
 02/15/2006—S Received in the Senate and referred to Senate Conservation.

**Bill:** HB816  
**Sponsors:** Cervantes (D52)  
**Title:** AQUIFER CONSERVATION RE-INJECTION  
**Summary:** Amends the Ground Water Storage Recovery Act to requires a permit from the State Engineer to re-inject water into an aquifer in a declared ground-water basin. Defines an aquifer-conservation re-injection project as one where the water-user re-injects potable water into an aquifer to reduce the net effect of withdrawals from the aquifer.  
**Subjects:** Water  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/31/2006 – House Rules Committee  
**History:** 01/31/2006—H Introduced and referred to House Rules.

<p><b>Bill:</b> HJM16  <b>Sponsors:</b> Chasey (D18)  <b>Title:</b> ETHICS LAW STUDY  <b>Summary:</b> Requests the Legislative Council, secretary of state and attorney general create and staff a task force to examine the practices of and experiences in other states that have created an ethics commission to oversee campaign finance, conflict of interest, lobbying and other ethics laws.  <b>Subjects:</b> Elections; State Affairs and State Agencies  <b>Related:</b> 2006: HM52  <b>Progress:</b> 2nd House: Reported from Committees  <b>Status:</b> 02/13/2006 – Senate Calendar  <b>History:</b> 02/13/2006—S Referral withdrawn from Senate Judiciary.</p>	<p><b>Bill:</b> HJM29  <b>Sponsors:</b> Hall (R28)  <b>Title:</b> WILDLIFE AREAS ECONOMIC IMPACT  <b>Summary:</b> (For the Land Grant Committee) Requests Department of Game and Fish report to the 2008 Legislature on the income and expenses attributable to each of the state's wildlife areas, and the economic impact of those areas on the adjacent local economies and community land grants.  <b>Subjects:</b> State Affairs and State Agencies; Natural Resources (Parks and Wildlife); Business, Manufacturing and Economic Development; Land, Housing and Real Estate  <b>Progress:</b> 2nd House: Reported from Committees  <b>Status:</b> 02/14/2006 – Senate Calendar  <b>History:</b> 02/14/2006—S Reported Do Pass by Senate Conservation.</p>	<p><b>Related:</b> Services; Interim Studies and Interim Committees 2006: HM25  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 02/07/2006 – House Labor and Human Resources Committee  <b>History:</b> 02/07/2006—H Committee referrals changed.</p>	<p>Article 2, Section 20 of the state Constitution to prohibit the taking of private property from one owner on the grounds that the public will benefit from a more profitable private use. Provides that the determination of whether a use is for a public benefit is a judicial question.  <b>Subjects:</b> Constitutional Amendments; Land, Housing and Real Estate; Business, Manufacturing and Economic Development  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 01/26/2006 – House Judiciary Committee  <b>History:</b> 01/26/2006—H Reported Do Pass by House Voters &amp; Elections.</p>
<p><b>Bill:</b> HJM21  <b>Sponsors:</b> Martinez, W. (D69)  <b>Title:</b> WATER TRUST FUND FINANCING  <b>Summary:</b> Requests the Legislative Council appoint a task force of up to 23 members to study options for creating a continuing funding mechanism to support the Water Trust Fund, and to report their findings by January 2007.  <b>Subjects:</b> Water  <b>Progress:</b> 2nd House: Referred to Committee  <b>Status:</b> 02/04/2006 – Senate Rules Committee  <b>History:</b> 02/04/2006—S Received in the Senate and referred to Senate Rules. 02/04/2006—S Also referred to Senate Conservation.</p>	<p><b>Bill:</b> HJM44  <b>Sponsors:</b> Ruiz (D16)  <b>Title:</b> ENVIRONMENTALLY HEALTHY COMMUNITIES  <b>Summary:</b> Requests the Health Department and the Environment Department jointly review their functions and regulations regarding healthy communities and recommend changes in rules and procedures to enhance environmental health.  <b>Subjects:</b> Municipalities/City Government; State Affairs and State Agencies; Environment and Pollution; Health and Medical Practice; Interim Studies and Interim Committees  <b>Progress:</b> 2nd House: Referred to Committee  <b>Status:</b> 02/11/2006 – Senate Rules Committee  <b>History:</b> 02/11/2006—H Placed on House Calendar. 02/11/2006—H Opened for floor debate. 02/11/2006—H Floor amendments adopted (Ruiz). 02/11/2006—H Passed 51-0. 02/11/2006—S Received in the Senate and referred to Senate Rules.</p>	<p><b>Subjects:</b> Water; Natural Resources (Parks and Wildlife)  <b>Progress:</b> 1st House: Referred to Committee  <b>Status:</b> 01/30/2006 – House Agriculture and Water Resources Committee  <b>History:</b> 01/30/2006—H Introduced and referred to House Agriculture &amp; Water Resources. 01/30/2006—H Also referred to House Judiciary.</p>	<p><b>Bill:</b> HJR5  <b>Sponsors:</b> Stewart (D21)  <b>Title:</b> SIXTY-DAY LEGISLATIVE SESSIONS  <b>Summary:</b> Proposes an amendment to Article 4, Section 5, of the Constitution to provide for annual regular 60-day sessions of the Legislature.  <b>Subjects:</b> Constitutional Amendments; State Affairs and State Agencies  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 02/09/2006 – Failed in the House  <b>History:</b> 02/09/2006—H Placed on House Calendar. 02/09/2006—H Opened for floor debate. 02/09/2006—H Failed to pass 27-32.</p>
<p><b>Bill:</b> HJM23  <b>Sponsors:</b> Tripp (R49)  <b>Title:</b> FOREST AND WATERSHED RESTORATION INSTITUTE (Identical to SJM37)  <b>Summary:</b> Requests the Energy, Minerals and Natural Resources Department, the Department of Agriculture and the Forest and Watershed Restoration Institute at New Mexico Highlands University continue to work together to implement the forest and watershed health plan and the non-native phreatophyte watershed management plan.  <b>Subjects:</b> Water; Environment and Pollution; Agriculture and Ranching; Interim Studies and Interim Committees  <b>Related:</b> 2006: SJM37  <b>Progress:</b> 2nd House: Referred to Committee  <b>Status:</b> 01/31/2006 – Senate Rules Committee  <b>History:</b> 01/31/2006—H Placed on House Calendar. 01/31/2006—H Floor amendments adopted. 01/31/2006—H Passed 58-0. 01/31/2006—S Received in the Senate and referred to Senate Rules. 01/31/2006—S Also referred to Senate Conservation.</p>	<p><b>Bill:</b> HJM47  <b>Sponsors:</b> Gonzales (D42)  <b>Title:</b> WORKERS' COMP TASK FORCE  <b>Summary:</b> (Identical to HM47) Requests the Workers' Compensation Administration convene a task force to study workers' comp practices and fee structures. The task force should include members from the appropriate state agencies and community-based providers of support services.  <b>Subjects:</b> Health and Medical Practice; State Affairs and State Agencies; Human</p>	<p><b>Bill:</b> HJM55  <b>Sponsors:</b> Ruiz (D16)  <b>Title:</b> OCCUPATIONAL HEALTH AND SAFETY TASK FORCE (Related to SJM 43)  <b>Summary:</b> Requests the governor to form a task force to study the relationship between funding and growth in the construction industry and the ability of the Occupational Health and Safety Bureau to perform its duties. The task force should also consider how funding of the bureau may be structured with flexibility so it can effectively respond to cycles of growth and decline in the industry.  <b>Subjects:</b> Business, Manufacturing and Economic Development; State Affairs and State Agencies; Construction and Materials; Interim Studies and Interim Committees  <b>Related:</b> 2006: SJM43; 2006: SJM53  <b>Progress:</b> 2nd House: Passed  <b>Status:</b> 02/14/2006 – Passed in the Senate  <b>History:</b> 02/14/2006—S Opened for floor debate. 02/14/2006—S Passed 32-0.</p>	<p><b>Bill:</b> HJR6  <b>Sponsors:</b> Martinez, W. (D69)  <b>Title:</b> WATER TRUST FUND CONSTITUTIONAL AMENDMENT  <b>Summary:</b> Proposes an amendment to Article 16 to constitutionally create a Water Trust Fund that would disburse \$4 million annually until such time as that amount is less than 4.7 percent of the average of the year-end market values of the fund for the immediately preceding five calendar years. After that time, the annual distribution would be 4.7 percent of the average of the year-end market values of the trust fund for the immediately preceding five years. Distributions would be pursuant to law and appropriated by the Legislature only for water projects consistent with a State Water Plan and as provided by law.  <b>Subjects:</b> Constitutional Amendments; Water  <b>Progress:</b> 2nd House: Passed  <b>Status:</b> 02/15/2006 – Passed in the Senate  <b>History:</b> 02/15/2006—S Reported Do Pass by Senate Judiciary. 02/15/2006—S Opened for floor debate. 02/15/2006—S Passed 38-0.</p>

<p><b>Bill:</b> HM5  <b>Sponsors:</b> Wirth (D47)  <b>Title:</b> MERCURY REDUCTION ACTION PLAN  <b>Summary:</b> Citing the neurotoxicity of mercury and the unnaturally high levels of mercury in our environment, the House is asked to request that the Department of Health convene a Task Force, with participation from state agencies, tribes, universities and environmental health and other nongovernmental organizations, to develop a comprehensive mercury reduction action plan for the state. This plan is to be reported back to the Legislative Health and Human Services Committee, and the Interim Legislative Committee that studies water and natural resources, in October, 2006.  <b>Subjects:</b> Health and Medical Practice; Environment and Pollution; Interim Studies and Interim Committees  <b>Progress:</b> 1st House: Passed  <b>Status:</b> 02/03/2006 – Signed by Officers of House  <b>History:</b> 02/03/2006—H Signed by Officers of House.</p>	<p><b>Progress:</b> Environment and Pollution  <b>Status:</b> 1st House: Passed  02/08/2006 – Signed by Officers of House  <b>History:</b> 02/08/2006—H Enrolled and engrossed.  02/08/2006—H Signed by Officers of House.</p> <p><b>Bill:</b> HM25  <b>Sponsors:</b> Gonzales (D42)  <b>Title:</b> WORKERS' COMP TASK FORCE  <b>Summary:</b> (Identical to HJM47) Requests the Workers' Compensation Administration convene a task force to study workers' comp practices and fee structures. The task force would include members from the appropriate state agencies and community-based providers of support services.  <b>Subjects:</b> Health and Medical Practice; State Affairs and State Agencies; Human Services; Interim Studies and Interim Committees  <b>Related:</b> 2006:HJM47  <b>Progress:</b> 1st House: Passed  <b>Status:</b> 02/13/2006 – Passed in the House  <b>History:</b> 02/13/2006—H Placed on House Calendar.  02/13/2006—H Opened for floor debate.  02/13/2006—H Passed 56-0.</p>	<p><b>Do Pass by Senate Conservation.</b></p> <p><b>Bill:</b> SB80  <b>Sponsors:</b> Papen (D38)  <b>Title:</b> WATER RIGHTS ADJUDICATIONS  <b>Summary:</b> (For the Water and Natural Resources Committee) Provides \$100 million (GF) to the State Engineer Office to pay for the costs of water rights adjudications.  <b>Subjects:</b> Appropriations; Water; Courts and Civil Matters  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 01/27/2006 – Senate Finance Committee  <b>History:</b> 01/27/2006—S Reported  Do Pass by Senate Conservation.</p> <p><b>Bill:</b> SB93  <b>Sponsors:</b> Cisneros (D6)  <b>Title:</b> WATER TRUST FUND \$100 MILLION APPROPRIATION  <b>Summary:</b> (For the Water and Natural Resources Committee) Provides \$100 million (GF) to the Water Trust Fund to carry out purposes of the Water Project Finance Act.  <b>Subjects:</b> Water; Appropriations  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 01/27/2006 – Senate Finance Committee  <b>History:</b> 01/27/2006—S Reported  Do Pass by Senate Conservation.</p>	<p><b>PROHIBITIONS</b>  <b>Summary:</b> Prohibits the solicitation or acceptance of anything of value by the state auditor, state treasurer, secretary of state, land commissioner, or attorney general, or a candidate for those offices, from anyone doing business with the office of that official.  <b>Subjects:</b> Elections; State Affairs and State Agencies; Criminal Code  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 02/09/2006 – President's Table  <b>History:</b> 02/09/2006—S Placed on President's table.</p> <p><b>Bill:</b> SB223  <b>Sponsors:</b> Ortiz y Pino (D12)  <b>Title:</b> NON-NEW MEXICO TAXES NOT DEDUCTIBLE  <b>Summary:</b> New Mexico income tax base is called net income. Net income, however, is reduced by the amount of the taxpayer's federal itemized deductions. Federal itemized deductions include certain taxes paid to other states and their local governments. Under this bill, the amount of itemized taxes paid to jurisdictions outside New Mexico must be subtracted from the amount of federal itemized deductions taken for New Mexico purposes, effectively boosting New Mexico's tax base.  <b>Subjects:</b> Taxation and Fees  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 01/30/2006 – Failed in the Senate  <b>History:</b> 01/30/2006—S Reported  Do Not Pass by Senate Corporations &amp; Transportation.</p>
<p><b>Bill:</b> HM6  <b>Sponsors:</b> Youngberg (R23)  <b>Title:</b> CONGRESSIONAL PROTECTION OF PROPERTY RIGHTS  <b>Summary:</b> (Identical to SM3) Asks the New Mexico congressional delegation to work to limit eminent-domain infringements and other threats to private property rights, whether physical, intellectual or real property.  <b>Subjects:</b> Land, Housing and Real Estate; Miscellaneous  <b>Related:</b> 2006:SM3  <b>Progress:</b> 1st House: Referred to Committee  <b>Status:</b> 01/19/2006 – House Consumer and Public Affairs Committee  <b>History:</b> 01/19/2006—H Introduced and referred to House Consumer &amp; Public Affairs.</p>	<p><b>Bill:</b> SB30  <b>Sponsors:</b> Leavell (R41)  <b>Title:</b> NMSU SOIL &amp; WATER CONSERVATION MATCHING FUNDS  <b>Summary:</b> Provides \$500,000 (GF) to NMSU's board of regents for soil and water conservation districts to match federal funds for water conservation and resource-restoration technical assistance.  <b>Subjects:</b> Appropriations; Higher Education; Natural Resources (Parks and Wildlife); Agriculture and Ranching; Water  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 01/27/2006 – Senate Finance Committee  <b>History:</b> 01/27/2006—S Reported  Do Pass by Senate Conservation.</p>	<p><b>Bill:</b> SB131  <b>Sponsors:</b> Beffort (R19)  <b>Title:</b> WATER RIGHTS ADJUDICATION FUNDING  <b>Summary:</b> (For the Water and Natural Resources Committee) Provides \$10 million to the Office of the State Engineer to pay the costs of water rights adjudications.  <b>Subjects:</b> Appropriations; Water; Courts and Civil Matters  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 02/03/2006 – Senate Finance Committee  <b>History:</b> 02/03/2006—S Reported  Do Pass by Senate Conservation.</p>	<p><b>Bill:</b> SB224  <b>Sponsors:</b> Papen (D38)  <b>Title:</b> WATER PROJECT FUND RESTRICTIONS  <b>Summary:</b> Removes the Water Project Fund requirement that 10 percent of water project funds be dedicated to the State Engineer for water rights adjudications. Accordingly, the Water Project Fund is no longer a source of funding for the Administrative Office of the Courts for use in water rights adjudication.  <b>Subjects:</b> Water; State Affairs and State Agencies; Courts and Civil Matters  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 02/06/2006 – Senate Finance Committee  <b>History:</b> 02/06/2006—S Reported  Do Pass by Senate Conservation.</p>
<p><b>Bill:</b> HM13  <b>Sponsors:</b> Wirth (D47)  <b>Title:</b> MERCURY IN DENTAL AMALGAM  <b>Summary:</b> Citing the potent accumulating toxic effect of mercury on the body, and the widespread industrial use of mercury, requests the Department of Health to conduct a study on the dangers of mercury amalgam, and to develop recommendations for public information and environmental safety, reporting back to the Legislative Health and Human Services Committee in October, 2006.  <b>Subjects:</b> Health and Medical Practice; State Affairs and State Agencies;</p>	<p><b>Bill:</b> SB33  <b>Sponsors:</b> Leavell (R41)  <b>Title:</b> SOIL AND WATER CONSERVATION DISTRICT FUNDS  <b>Summary:</b> Provides \$550,000 (GF) to NMSU's board of regents to be distributed by the Soil and Water Conservation Commission for the management and operation of their districts and programs.  <b>Subjects:</b> Appropriations; Higher Education; Environment and Pollution; Water; Agriculture and Ranching  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 01/27/2006 – Senate Finance Committee  <b>History:</b> 01/27/2006—S Reported</p>	<p><b>Bill:</b> SB194  <b>Sponsors:</b> Altamirano (D28)  <b>Title:</b> WATER TRUST FUND, \$100 MILLION  <b>Summary:</b> Provides \$100 million of the nonrecurring revent of the General Fund remaining at the end of fiscal year 2006 to the Water Trust Fund.  <b>Subjects:</b> Appropriations; Water  <b>Progress:</b> 1st House: Reported from Committees  <b>Status:</b> 01/23/2006 – Senate Finance Committee  <b>History:</b> 01/23/2006—S Reported  germane by Senate Committee on Committees.</p> <p><b>Bill:</b> SB196  <b>Sponsors:</b> Feldman (D13)  <b>Title:</b> CAMPAIGN PRACTICE</p>	<p><b>Bill:</b> SB226  <b>Sponsors:</b> Leavell (R41)  <b>Title:</b> WORKERS COMP TAX REFUND INTERCEPT PROGRAM  <b>Summary:</b> (Identical to HB478) Amends the Tax Refund Intercept Program Act to</p>

authorize amounts owed under the Uninsured Employers' Fund and the Workers' Compensation Act to be treated as a legally enforceable debt of an employer that may be secured by a warrant of levy and lien and collected from the employer by the Labor Department or the Worker' Compensation Administration.

**Subjects:** Insurance; Taxation and Fees; Business, Manufacturing and Economic Development; Labor

**Related:** 2006:HB478

**Progress:** Governor

**Status:** 03/03/2006 – Signed by the Governor

**History:** 03/03/2006—G Signed by the Governor (signed 03/02/2006).

02/14/2006—H Referral withdrawn from House Appropriations & Finance.

**Bill:** SB297

**Sponsors:** Papen (D38)

**Title:** WATER RIGHTS ADJUDICATION SUPPORT

**Summary:** Provides \$1,000,000 (GF) to the Administrative Office of the Courts to support water rights adjudications.

**Subjects:** Water; Courts and Civil Matters; Appropriations

**Progress:** 1st House: Reported from Committees

**Status:** 01/24/2006 – Senate Finance Committee

**History:** 01/24/2006—S Reported germane by Senate Committee on Committees.

**Bill:** SB403

**Sponsors:** Rawson (R37)

**Title:** COLORADO RIVER AND COLORADO RIVER COMPACT

**Summary:** Provides \$1 million (GF) to the attorney general for fiscal year 2007 and subsequent fiscal years to prepare litigation on disputes over the Colorado River and the Colorado River Compact.

**Subjects:** Appropriations; Environment and Pollution; Water; Agriculture and Ranching

**Progress:** 1st House: Reported from Committees

**Status:** 02/06/2006 – Senate Finance Committee

**History:** 02/06/2006—S Reported Do Pass by Senate Conservation.

interest, business activity and ad valorem tax imposed by the Navajo Nation and paid or, alternatively, a fixed annual in-lieu-of amount paid to the Navajo Nation by agreement and may not exceed \$60 million per qualified generating facility. This credit is structured similarly to other intergovernmental credits.

**Subjects:** Taxation and Fees; Energy Resources and Chemicals; Utilities; Indians

**Related:** 2006:HB82

**Progress:** 1st House: Reported from Committees

**Status:** 01/31/2006 – Senate Finance Committee

**History:** 01/31/2006—S Reported Do Pass by Senate Indian & Cultural Affairs.

**Bill:** SB231

**Sponsors:** Leavell (R41)

**Title:** RESTRICTION ON EMINENT DOMAIN POWERS

**Summary:** (Similar to HB746, SB702) Amends the Eminent Domain Code to prohibit state or local condemnation of private property in order to promote private or commercial development, when title to the property is transferred to another private entity.

**Subjects:** Land, Housing and Real Estate; State Affairs and State Agencies; County Affairs; Municipalities/City Government

**Related:** 2006:HB746; 2006:SB702

**Progress:** 1st House: Referred to Committee

**Status:** 01/19/2006 – Senate Committee on Committees

**History:** 01/19/2006—S Introduced and referred to Senate Committee on Committees. 01/19/2006—S Also referred to Senate Public Affairs. 01/19/2006—S Also referred to Senate Judiciary.

**Bill:** SB388

**Sponsors:** Feldman (D13)

**Title:** ELECTRONIC WASTE COLLECTION AND RECYCLING

**Summary:** Provides \$25,000 (GF) to the Department of Environment to develop marketing, advertising and community education outreach programs for a voluntary statewide electronic waste collection and recycling pilot program. Expenditures requires matching funds or services from computer manufacturers and retailers for marketing and advertising.

**Subjects:** Appropriations; Environment and Pollution

**Progress:** 1st House: Reported from Committees

**Status:** 01/25/2006 – Senate Finance Committee

**History:** 01/25/2006—S Reported germane by Senate Committee on Committees.

**Bill:** SB462

**Sponsors:** Sanchez, M. (D29)

**Title:** MINIMUM WAGE BOOST AND TAX CREDIT

**Summary:** Increases the state minimum wage from \$5.15 per hour to \$7.50 per hour and, for tipped employees, the minimum cash wage from \$2.13 per hour to \$3.10, starting January 1, 2007. Also creates a temporary small-business minimum-wage tax credit to mitigate the impact. The credit is based on a percentage of the difference between an employee's hourly wage immediately prior to January 1, 2007 and \$7.50. The credit may be applied against the business' "modified combined tax liability" for the three-year period January 1, 2007, through December 31, 2009.

**Subjects:** Taxation and Fees; Business, Manufacturing and Economic Development; Labor

**Related:** 2006:HB258; 2006:HB552; 2006:SB449; 2006:SB746

**Progress:** 1st House: Reported from Committees

**Status:** 01/26/2006 – Senate Public Affairs Committee

**History:** 01/26/2006—S Reported germane by Senate Committee on Committees.

**Bill:** SB493

**Sponsors:** Leavell (R41)

**Title:** REGULATION OF OIL AND GAS

**Summary:** Subjects the rule-making authority of the Oil Conservation Commission and Oil Conservation Division with respect to the Oil and Conservation Act to a new set of criteria. Declares that the commission and the division have exclusive jurisdiction to regulate oil and gas exploration, drilling development and production.

**Subjects:** State Affairs and State Agencies; Energy Resources and Chemicals; Business, Manufacturing and Economic Development; Appropriations

**Progress:** 1st House: Referred to Committee

**Status:** 01/25/2006 – Senate Committee on Committees

**History:** 01/25/2006—S Introduced and referred to Senate Committee on Committees. 01/25/2006—S Also referred to Senate Judiciary. 01/25/2006—S Also referred to Senate Finance.

**Bill:** SB280

**Sponsors:** Feldman (D13)

**Title:** HEALTH COVERAGE FOR ALL NEW MEXICANS COMMITTEE

**Summary:** Appropriates \$500,000 to the Legislative Council Service for FY2006-2008 to set up and administer a 39-member committee to explore different models for achieving health coverage for all New Mexicans.

**Subjects:** Health and Medical Practice; Family and Juveniles; Interim Studies and Interim Committees; Appropriations

**Related:** 2006:HB481

**Progress:** 2nd House: Reported from Committees

**Status:** 02/14/2006 – House Calendar

**History:** 02/14/2006—H Reported Do Pass as amended by House Government & Urban Affairs. 02/14/2006—H Committee referrals changed.

**Bill:** SB402

**Sponsors:** Rawson (R37)

**Title:** SURFACE AND GROUND WATER MANAGEMENT

**Summary:** Provides \$3 million (GF) to the Interstate Stream Commission to address surface water and ground water management issues in the Lower Rio Grande Basin and to protect the state's entitlement to waters under the Colorado River Compact and the Rio Grande Compact of the appropriation, \$1.65 million will pay for two wells in southern New Mexico to monitor the effects in New Mexico of groundwater pumping on the Mexican side of the border and depletion of the New Mexico aquifer by the Canutillo well field.

**Subjects:** Appropriations; Water; Agriculture and Ranching

**Progress:** 1st House: Reported from Committees

**Status:** 02/06/2006 – Senate Finance Committee

**History:** 02/06/2006—S Reported Do Pass by Senate Conservation.

**Bill:** SB464

**Sponsors:** Pinto (D3)

**Title:** INTERGOVERNMENTAL COMPENSATING TAX CREDIT

**Summary:** (Identical to HB82) To mitigate some effects of dual taxation on tribal lands, this bill proposes a credit against the compensating tax due on the construction or operation of a coal-fired electric generating station on the New Mexico portion of the Navajo Nation, for construction commencing no later than December 31, 2007. The credit equals the lesser of 85 percent of the compensating tax otherwise due or the aggregate of possessory

**Bill:** SB521

**Sponsors:** Griego (D39)

**Title:** VOLUNTARY HAZARDOUS WASTE FEES

**Summary:** (For the Radioactive and Hazardous Materials Committee) (Identical to HB410) Authorizes the Department of Environment to enter into a voluntary agreement with a business generating hazardous waste in lieu of some or all of the fees required under Sec. 74-4-4.2(J). The fees include a hazardous-waste business fee, generation fee, permit-application fee and an annual permit-management fee. Applies also to businesses conducting hazardous-waste management or applying for a permit.

**Subjects:** Environment and Pollution; Taxation and Fees; State Affairs and State Agencies; Business, Manufacturing and Economic Development  
**Related:** 2006:HB410  
**Progress:** 2nd House: Referred to Committee  
**Status:** 02/14/2006 – House Energy and Natural Resources Committee  
**History:** 02/14/2006—H Received in the House and referred to House Energy & Natural Resources.

**Bill:** SB628  
**Sponsors:** Cisneros (D6)  
**Title:** UNDERGROUND MINE EMERGENCY MEASURES  
**Summary:** (Identical to HB687) Establishes notification procedures in the event of an underground mine accident, provides for additional safety measures and proposes civil and criminal penalties for violations.  
**Subjects:** Energy Resources and Chemicals; Environment and Pollution; State Affairs and State Agencies; Public Safety and Corrections; Criminal Code  
**Related:** 2006:HB687  
**Progress:** Governor  
**Status:** 03/08/2006 – Signed by the Governor  
**History:** 03/08/2006—G Signed by the Governor (signed 3/7/2006).

**Bill:** SB631  
**Sponsors:** McSorley (D16)  
**Title:** OIL AND GAS: SURFACE OWNERS PROTECTION ACT  
**Summary:** (Identical to HB437) (HEM 72) Oil and gas operators must compensate the surface owner for use of the surface owner's property and any damages sustained by the owner or a tenant of the owner, including harm to the watershed, aquifers or water supply on or under the property and costs of reclamation, if the operator fails to reclaim the property. The operator must reclaim all surface directly affected by the oil and gas operations.  
**Subjects:** Energy Resources and Chemicals  
**Related:** 2006:HB437  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/09/2006 – Senate Judiciary Committee  
**History:** 02/09/2006—S Reported Do Not Pass but Do Pass as substituted by Senate Conservation.

**Bill:** SB650  
**Sponsors:** Cisneros (D6)  
**Title:** SUSTAINABLE DEVELOPMENT TESTING SITES  
**Summary:** (Identical to HB152) Allows counties, following state review, to issue permits in specific rural areas for "sustainable-development testing sites" of up to two acres. The object is to

encourage the testing of concepts and inventions related to sustainable development, including energy, housing, water-harvesting, sewage treatment, food production and bio-fuel production. The sites make it possible to test under year-round weather conditions. Certain state and local laws, ordinances and rules may be waived. Inhabitants of the sites must be given disclosure statements.

**Subjects:** Land, Housing and Real Estate; Environment and Pollution; County Affairs; State Affairs and State Agencies; Agriculture and Ranching; Water  
**Related:** 2006:HB152  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/11/2006 – Senate Judiciary Committee  
**History:** 02/11/2006—S Reported Do Not Pass but Do Pass as substituted by Senate Conservation.

**Bill:** SB684  
**Sponsors:** Cisneros (D6)  
**Title:** COMPLIANCE ORDERS FOR WATER VIOLATIONS  
**Summary:** (Identical to HB794) (For the Water and Natural Resources Committee) Specifies that a compliance order issued by the State Engineer may include an order to cease the violation of a requirement or prohibition of the Chapter 72 water laws; may be a directive issued in accordance with Sec. 72-2-8, which pertains to regulations, codes or orders promulgated by the State Engineer; or, may be a condition of a permit or license issued by the State Engineer or an order entered by a court adjudicating water rights.  
**Subjects:** Water; Agriculture and Ranching; Courts and Civil Matters  
**Related:** 2006:HB794  
**Progress:** 2nd House: Referred to Committee  
**Status:** 02/15/2006 – House Energy and Natural Resources Committee  
**History:** 02/15/2006—S Opened for floor debate. 02/15/2006—S Passed 25-0. 02/15/2006—H Received in the House and referred to House Energy & Natural Resources.

**Bill:** SJM27  
**Sponsors:** Lopez (D11)  
**Title:** ENVIRONMENTAL DEGRADATION AND PUBLIC HEALTH  
**Summary:** Calls upon the Department of Health and the Department of the Environment to work together to review the extent to which each department promotes healthy communities and meaningful participation in environmental decision-making, particularly in minority

low-income communities, where environmental pollution tends to be concentrated. Also charges these two departments to make recommendations for changes that would be required in order for them to work cooperatively on issues relating to environmental degradation, public health and public participation in environmental decision-making. These two departments to jointly report back the appropriate Interim Legislative Committee by August 31, 2006.

**Subjects:** Health and Medical Practice; Environment and Pollution; State Affairs and State Agencies; Interim Studies and Interim Committees  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/09/2006 – Senate Conservation Committee  
**History:** 02/09/2006—S Referred to Senate Conservation.

**Bill:** SJM37  
**Sponsors:** Cisneros (D6)  
**Title:** FOREST AND WATERSHED RESTORATION INSTITUTE  
**Summary:** (Identical to HJM23) Requests the Energy, Minerals and Natural Resources Department, the Department of Agriculture and the Forest and Watershed Restoration Institute at New Mexico Highlands University continue to work together to implement the forest and watershed health plan and the nonnative phreatophyte watershed-management plan.  
**Subjects:** Water; Agriculture and Ranching; Environment and Pollution; Interim Studies and Interim Committees  
**Progress:** 2nd House: Referred to Committee  
**Status:** 02/15/2006 – House Energy and Natural Resources Committee  
**History:** 02/15/2006—S Opened for floor debate. 02/15/2006—S Passed 28-0. 02/15/2006—H Received in the House and referred to House Energy & Natural Resources.

**Bill:** SJM65  
**Sponsors:** Altamirano (D28)  
**Title:** REGULATORY REFORM STUDY  
**Summary:** Requests the Regulation and Licensing Department to create a task force of regulators and regulated industries to recommend regulatory reforms dealing with licenses and permits, related enforcement, inspections and hearings, and whether hearing officers and administrative law judges should be consolidated into an independent executive agency. The task force shall report its

recommendations to the Legislative Finance Committee by October 15, 2006.  
**Subjects:** Business, Manufacturing and Economic Development; Interim Studies and Interim Committees; Taxation and Fees  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/15/2006 – Senate Calendar  
**History:** 02/15/2006—S Reported Do Pass by Senate Corporations & Transportation.