Report for: Independent Community Bankers Association of New Mexico

Currently following 50 pieces of legislation.

HB15
DATA BREACH NOTIFICATION ACT
Rehm, William

**Position:** Support (With Exemption)  **Priority:** Moderate

Scheduled: Not Scheduled at this time.
[Link to bill on nmlegis.gov](http://nmlegis.gov)

**Synopsis**

House Bill 15 (HB 15) relates to consumer data protection. HB 15 creates the Data Breach Notification Act. HB 15 requires secure storage and disposal of personal identifying information. HB 15 requires notification to residents affected by a security breach of personal identifying information. HB 15 provides notification guidelines; creates definitions; and provides civil penalties.

**Analysis**

House Bill 15 (HB 15) requires service providers who own or maintain personal identifying information of a New Mexico resident, to implement and maintain security procedures and practices for the purpose of protecting the personal identifying information from unauthorized access, destruction, use, modification or disclosure. HB 15 establishes notification requirements when a data breach occurs. HB 15 creates civil penalties of twenty-five thousand dollars ($25,000); or, in the case of failed notification, ten dollars ($10.00) per instance of failed notification, up to a maximum of one hundred fifty thousand dollars ($150,000).

HB 15 requires service providers to notify each New Mexico resident whose personal identifying information is believed to have been subject to a security breach. HB 15 requires service providers to notify an affected New Mexico resident no later than thirty calendar days following discovery of a security breach. HB 15 provides an exception if the security breach investigation determines the breach is not high-risk of identity theft or fraud.

HB 15 requires service providers who own or maintain records containing personal identifying information of a New Mexico resident, to arrange for proper disposal of records when they are no longer needed for business purposes. HB 15 provides proper disposal guidelines.

HB 15 requires non-owning or non-licensed persons responsible for maintaining or possessing computerized data containing personal identifying information, to notify the owner or licensee of any security breaches. HB 15 provides guidelines on how to provide an owner or licensee notification of a security breach.

HB 15 requires notification of a data breach to the office of the attorney general and major consumer reporting agencies, no later than thirty calendar days. HB 15 provides exceptions and guidelines on how these offices are to be notified. HB 15 requires consumer security breach notification to merchant service providers to whom the person transmitted the credit card number or debit card number. HB 15 requires merchant notifications made within ten business days following discovery of the security breach.

HB 15 does not apply to a person subject to the federal Gramm-Leach-Bliley Act or the federal Health Insurance Portability and Accountability Act of 1996.

HB24
STATE TRUST LANDS RESTORATION FUND
Ezzell, Candy Spence

**Position:** Neutral  **Priority:** Watch List

Scheduled: Not Scheduled at this time.
[Link to bill on nmlegis.gov](http://nmlegis.gov)

**Synopsis**
House Bill 24 (HB 24) creates the State Trust Lands Restoration and Remediation Fund and makes an appropriation.

Analysis

House Bill (HB 24) amends Section 19-1-11 NMSA 1978 to create the State Trust Lands Restoration and Remediation Fund to be administered by the State Land Office. For the administration of contractual surface damage and watershed restoration and remediation projects. The fund is created in the state treasury from one percent of the income from any state trust lands under the control of the commissioner of public lands. The restoration and remediation fund shall not include any money required to be transferred to any permanent fund. Money in the fund in excess of five million dollars will be distributed to the trust's beneficiaries. Funds at the end of the Fiscal Year shall not revert to any other fund.

HB 24 was endorsed by the Water and Natural Resources Committee.

HB26
SMALL LOAN INTEREST RATE CAPS
Roybal Caballero, Patricia

Position: Neutral (with exemption) Priority: Watch List

Synopsis

House Bill 26 (HB 26) amends the New Mexico Bank Installment Act and the New Mexico Small Loan Act by capping interest rates and voiding contracts that exceed the cap. HB 26 repeals a section of the New Mexico Small Loan Act.

Analysis

House Bill 26 (HB 26) amends Section 56-8-9 NMSA 1978, New Mexico Small Loan Act, by capping interest rates charged or received for the extension of credit at thirty-six percent. If the United States prime lending rate exceeds ten percent, the rate of interest may exceed thirty-six percent, but not thirty percentage points in excess of the prime rate. Contracts entered into after July 1, 2017 that exceed the cap will be voided. Federally insured depository institution or government-issued bonds are exempted.

HB 26 repeals Section 56-8-9.C. that currently allows parties transacting business or commercial loans in the amount of $500,000 or greater an agreed upon rate that exceeds the cap.

The New Mexico Bank Installment Loan Act of 1959, section 58-7-1 NMSA 1978, is amended as above.

HB 26 is related to SB 15. Both bills establish an interest rate cap of thirty-six percent.

The effective date of the provisions in HB 26 is July 1, 2017.

HB27
INCREASE MINIMUM WAGE
Roybal Caballero, Patricia

Position: Oppose Priority: Moderate

Synopsis

House Bill 27 (HB 27) relates to the state minimum wage. HB 27 amends language under Section 50-4-22 NMSA 1978. HB 27 increases the state minimum wage; provides for an annual cost-of-living increase in the state minimum wage rate; and eliminates the separate minimum wage for employees who regularly receive tips. HB 27 requires the Workforce Solutions Department to publish adjusted minimum wage rates by November 1st. HB 27 relates to SB 36.
Analysis

House Bill 27 (HB 27) amends language under Minimum Wages, Section 50-4-22. NMSA 1978. HB 27 eliminates the separate minimum wage rate for employees who regularly receive tips by removing all language referencing employees who regularly receive more than thirty dollars ($30.00) a month in tips to be paid a minimum hourly wage of two dollars thirteen cents ($2.13). HB 27 requires employers to pay these employees the same state minimum wage rates proposed in this act.

HB 27 further requires employers to continue to pay employees the current minimum wage rate of seven dollars fifty-cents ($7.50) an hour, until January 1, 2018. After January 1, 2018, an employer is required to increase the employee minimum wage rate paid to employees to fifteen dollars ($15.00) an hour.

After January 1, 2019 and January 1 of each successive year, HB 27 requires an employer to pay an employee the prior year's minimum wage increased by a percentage equal to the percentage increase in the cost of living, with the amount of the minimum wage increase rounded to the nearest multiple of five cents ($0.05). The next two paragraphs explain this further.

HB 27 does now allow for the minimum wage adjusted downward as a result of a decrease in the cost of living. HB 27 does not allow the minimum wage rate adjusted upward by more than four percent in any one year, as a result of an increase in the cost of living.

HB 27 requires the increase in the cost of living measured by the percentage increase as of August of the immediate preceding year over the level as of August of the next previous year, of the Consumer Price Index for all urban consumers, United States city average for all items, as published by the United States Department of Labor.

HB 27 directs the Workforce Solutions Department to publish, by November 1 of each year, the adjusted minimum wage rates to take effect the following January 1.

HB 27 relates to SB 36.

HB60
BROADBAND INFRASTRUCTURE DEVELOPMENT

Trujillo, Carl

Position: Support Priority: Moderate

Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

House Bill 60 (HB 60) relates to local economic development and broadband telecommunications. HB 60 amends a section of the Local Economic Development Act to provide for broadband infrastructure development. HB 60 re-letters subsections.

Analysis

House Bill 60 (HB 60) amends the definitions section of Local Economic Development Act-Definitions, Section 5-10-3. NMSA 1978. HB 60 adds the following definition: broadband telecommunications network facilities. HB 60 states that broadband telecommunications network facilities means the electronics, equipment, transmission facilities, fiber-optic cables, and any other item directly related to a system capable of transmission of internet protocol or other formatted data at transmission speeds of a minimum of ten megabits per second of download speed and one megabit per second of upload speed, all of which will be owned and used by a provider of internet access services.

HB 60 also amends the definition for economic development project by including rights-of-way infrastructure, including trenching and conduit, for the placement of new broadband telecommunications network facilities, to the current definition on record.

HB 60 re-letters the definition subsections to allow for the new and amended content provided in this act.

HB67
INCREASE MINIMUM WAGE

Garcia, Miguel P.
Position: Neutral  Priority: Watch List

Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

House Bill 67 (HB 67) increases the minimum wage and tipped employee rate. HB 67 provides for an annual cost-of-living (COL) increase in the state minimum wage rate.

Analysis

HB 67 HLEDCa

The House Labor and Economic Development Committee amended HB 67 amended HB 67 by delaying the start of the COL increase to 2021 instead of 2018.

House Bill 67 (HB 67) amends 50-4-22 NMSA 1978 by increasing the minimum wage from the current hourly rate of $7.50 to the amount below on a calendar year schedule.

2018 $8.40
2019 $9.20
2020 $10.10

Beginning January 1, 2018, and on each January 1 of successive years, the rate will include a cost-of-living (COL) increase rounded to the nearest multiple of $0.05 based on the increase of the consumer price index. The wage rate will not be adjusted downward if there is a decrease in the COL. SB 67 limits the COL increase to 4% in a year. HB 67 would change tipped employees minimum hourly wage from $2.13 to 40% of the minimum wage rate as of calendar year 2018.

No later than November 1, the Workforce Solutions Department must publish the adjusted minimum wage rate for the following January 1.

The effective date of these provisions is July 1, 2017.

HB 76
ESTATE OR TRUST DISTRIBUTION TAX DEDUCTION

Trujillo, Jim R.

Position: Support  Priority: Low

Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

House Bill 76 (HB 76) enacts a new section of the Income Tax Act that creates a deduction from net income of an estate or trust in the amount of permanent distributions to a nonresident beneficiary.

Analysis

House Bill 76 (HB 76) enacts a new section of the Income Tax Act (Act), Chapter 7, Article 2 NMSA 1978, which creates a deduction from income of an estate or trust in certain cases. Prior to January 1, 2023, estate or trust non-resident taxpayers may claim a deduction from net income up to the amount equal to income excluding real property, mineral, oil, and gas interests, and water rights within New Mexico that is set aside for a nonresident beneficiary. HB 76 establishes provisions for set asides of future distributions to nonresident individual beneficiaries based on share of estate or trust, if income is distributable in future tax years, place of residence, and nature of relationship to giver. Determination of when federal taxable income, defined as interest, dividends, gains and losses, and commissions is realized is specified by HB 76.

The Taxation and Revenue Department (TRD) will determine the reporting mechanism for taxpayers to report the amount of deduction. TRD is charged with compiling an annual report for the Revenue Stabilization and Tax Policy Committee and the Legislative Finance Committee with information necessary to evaluate the effectiveness of the credit
in expanding trust and estate business in the state.

The provisions HB 76 apply to the tax years beginning on or after January 1, 2017.

**HB89**  
**CANNABIS REVENUE & FREEDOM ACT**  
McCamley, Bill

**Position:** Neutral  **Priority:** Watch List


Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov]

**Synopsis**

House Bill 89 (HB 89) enacts the Cannabis Revenue and Freedom Act and the Cannabis Tax Act. It creates the Cannabis Control Board and revises the Lynn and Erin Compassionate Use Act. HB 89 provides duties and powers to the NM Regulation and Licensing Department (RLD), the NM Taxation and Revenue Department (TRD), the NM Department of Agriculture (DOA) and the NM Department of health (DOH). HB 89 revises sections of law related to marijuana and provides penalties for violation of the act. It creates the Substance Abuse Prevention and Behavioral Health Fund, the District Attorney Public Safety Fund, the Public Defender Public Safety Fund and the Cannabis Revenue Economic Development Fund and makes appropriations.

**Analysis**

House Bill 89 (HB 89) enacts the Cannabis Revenue and Freedom Act (CRFA), which regulates, licenses and taxes cannabis production and use that is not already regulated under the Lynn and Erin Compassionate Use Act. Its purposes include: to allow a person who is licensed, controlled, regulated and taxed by this state to legally manufacture and sell marijuana to a person who is twenty-one years of age or older; to provide for the issuance of industrial hemp licenses and agricultural hemp seed permits by the DOA; and to establish a comprehensive regulatory framework relating to marijuana.

HB 89 contains a section with thirty-nine definitions ranging from advisory board to useable marijuana. It contains limitations on the act including not requiring a person to violate a federal law or a landlord to rent to a person engaged in activities permitted under the act if the landlord would lose federal funding. It does not apply to small amounts used or produced for non-commercial purposes in a household by one or more members who are twenty-one years of age or older.

HB 89 creates the Cannabis Control Board (CCB) which consists of eleven members appointed by the governor—all whom must be residents and citizens of the state. No more than six members may be from the same political party. It provides for departmental, professional, participant and public representation on the board, and the members serve a five-year term with the first board having staggered terms. The board is administratively attached to the RLD.

HB 89 establishes the duties of the CCB which include regulation and oversight of the medical cannabis program and the marijuana program under the CRFA; the establishment of a medical cannabis subsidy program; promulgation of rules relating to the medical cannabis program in consultation with the advisory board; development of a distribution system for medical cannabis; and a tracking system for medical cannabis and marijuana plants. The bill provides dates of completion to some of the tasks assigned the CCB.

HB 89 establishes the duties and powers, including rule making, of each department charged with carrying out the purposes of the act. The RLD will cooperate with the CCB in the regulation of all aspects of marijuana processing, production, transportation, delivery and sale of marijuana items. The RLD will study the effects of marijuana use on driving, present the results to appropriate interim legislative committee and make recommendations to the legislature regarding any appropriate amendments to the Motor Vehicle Code on or before 1 January 2019. The department will issue licenses relating to marijuana production, processing, sale, and storage. The RLD will consult with the DOA, the DOH and the board in promulgating rules to implement the CRFA. The DOA shall issue licenses for industrial hemp production and impose fines and other penalties for violation of the act and the agricultural license issued under this act. The DOA has the right to inspect the industrial licensee’s books with advanced notice and the RLD has the same power for other marijuana licenses and may inspect the licensed premises at any time. HB 89 applies the provisions of the Administrative Procedure Act when imposing civil penalties or denying, revoking or suspending licenses issued under this act. It limits the civil penalty under the CRFA to two thousand five hundred dollars ($2,500). The DOA will keep the fees collected for the licenses and permits under the act and use the monies for administrative purposes.

The DOH is to assist and cooperate with the other departments to carry out the CRFA. The DOH will administer the cannabis subsidy program. HB 89 it limits these departments from being sued for performing or failing to perform the
duties under this act. It prevents the departments from using federal law as a basis for not performing the duties under the CRFA, for refusing, suspending or cancelling an applicable license or permit or for declaring a contract unenforceable.

HB 89 provides applicants with a process and required information to obtain an industrial hemp license or agricultural hemp permit which is valid for three years. It allows for the grower or handler to produce, deliver and possess marijuana items subject to the provisions of the CRFA. It establishes minimum qualifications for purchasers of these products. It requires a two and a half acre minimum for the production of industrial hemp.

The bill also establishes procedures and requirements for each type of marijuana license that the RLD has authority to issue. The valid period for a new or renewed marijuana license is one year or less. If the license is denied the applicant can request a hearing that does not follow the provisions of the Administrative Procedures Act (APA) yet the next subsection says the department’s cancellation or denial of a license is subject to the APA. HB 89 also establishes characteristics of these licenses such as not a personal privilege, not subject to inheritance, and not alienable. Notwithstanding the stated characteristics, the RLD may promulgate rules concerning procedures for marijuana items to be subject to a security interest, foreclosure etc., and for operation of the business upon the death of the licensee. The act allows for multiple licenses held by one person.

HB 89 provides that licensing by the RLD will begin on 1 July 2017 for those applying pursuant to the licensing procedures under the Lynn and Erin Compassionate Use Act. By 1 October 2017, the RLD will issue licenses under the CRFA to those qualified and licensed under the compassionate use act. By 1 July 2019, the RLD will accept applications and issue licenses to all those who qualify under the CRFA. It provides for different types of licenses, their characteristics, terms, fees (with limitations on amounts of the latter), and grounds for denial, revoking or suspending of a license. Fees range from five hundred dollars ($500) for processing the application up to forty-five thousand dollars ($45,000). It requires the production of an identification card in certain circumstances to prevent sales to underage users and makes sales to such minors a violation of the Controlled Substance Act (Section 30-31-21A NMSA 1978). The RLD can appropriate these fees for administrative purposes.

HB 89 specifically states that activities by a licensee under the CRFA does not constitute a criminal or civil offense pursuant to state law. It prohibits the RLD, the TRD, the DOA, and the DOH from refusing to perform any duty under the CRFA on the basis that it is prohibited by federal law.

HB 89 establishes grounds upon which the RLD may deny, suspend or cancel a license. In the case of a denial, the RLD may base its decision upon certain geographic circumstances such as sufficient number of licensed premises in the vicinity and applicant information such as excessive use of controlled substances and inability to manage such a business.

HB 89 prohibits certain uses of cannabis including importing and exporting it; providing it to an intoxicated person; while driving; using marijuana in a public place, with the exception of an onsite consumption endorsement, or in correctional facilities; allowing homegrown marijuana to be visible from the street; use of volatile materials for production etc.; or allowing someone under twenty-one to consume marijuana on private real property over which that person has control. The bill provides penalties for licensee misrepresentation and maintenance of a disorderly establishment. It establishes a misdemeanor penalty for a person younger than twenty-one who tries to purchase marijuana or enter a place of cannabis distribution. It allows for community service and requires the court to suspend driving privileges for up to one year for a person under twenty-one in these circumstances. It exempts underage investigative police or sheriff agents. HB 89 gives the RLD the power to establish standards for marijuana items including standards relating to misleading labels and injurious or adulterated ingredients.

It makes the CRFA supersede and be paramount to inconsistent local laws, ordinances etc. It does allow municipalities to establish nuisance provisions regarding sale of marijuana, and it has a local option election provision with detailed procedures.

HB 89 gives state and local enforcement officers the power to enforce the CRFA violations. The officer must notify the district attorney in that jurisdiction. It provides for seizure and disposal of marijuana and other property. HB 89 requires notification to the RLD if a person licensed under the CRFA has been convicted of a violation of that act or any other act relating to marijuana. The governor may suspend a license without notice under limited emergency type situations.

The CRFA provides that the maintenance of a common nuisance as defined in the act will violate the act and subject that person to certain penalties including placing a lien on and sale of the subject premises to pay for the fees and penalties under the act in certain circumstances. It establishes penalties ranging from petty misdemeanor to misdemeanor in the proposed act and would subject a violator to relevant penalties under other appropriate acts such as the Motor Vehicle Code.

HB 89 establishes the following non-reverting funds: The Substance Abuse Prevention and Behavioral Health Fund under the administration of the DOH to establish, operate and maintain alcohol and substance abuse prevention, early intervention and treatment and related behavioral health services; District Attorney Public Safety Fund administered by the administrative office of the district attorneys to support evidence-based arrest and incarceration diversion programs for low-level nonviolent drug related offenses and to support development of intoxicated driving detection programs; Public Defender Public Safety Fund administered by the public defender
department for operations; and the Cannabis Revenue Economic Development Fund administered by the Economic Development Department (EDD) for training, business development both locally and regionally and community reinvestment grant programs for those formerly incarcerated.

HB 89 enacts a Cannabis Tax Act with five definitions ranging from county area to marijuana retailer. It imposes a state excise tax of fifteen percent on any marijuana item. It establishes the authority for a municipality or a county each to impose a municipal/county excise tax of five percent on a marijuana item after the voters approve the tax through an election process. A city or county may dedicate such revenue to general municipal/county purposes. It allows the RLD to charge an administrative fee of up to three percent of the proceeds of the municipal and county cannabis tax for the collection of these taxes.

HB 89 enacts a new section of the Tax Administration Act to establish the formula and funds that will receive distributions from the net receipts of the cannabis tax as follows: Public School Fund to augment the appropriations for the state equalization guarantee distribution, forty percent; Substance Abuse Prevention And Behavioral Health Fund, twenty-three percent; Cannabis Revenue Economic Development Fund, twenty percent; District Attorney Public Safety Fund and Public Defender Public Safety Fund, seven and a half percent each; and Medical Cannabis Subsidy Program, two percent. It establishes procedures for transfer of this tax to counties and municipalities under Section 7-1-6.1 NMSA 1978.

It amends Sections 7-1-2 and 7-1-6.46 NMSA 1978 to add the cannabis tax to those administered under of the Tax Administration Act.

HB 89 makes a technical amendment to the title of the Lynn and Erin Compassionate Use Act (Section 26-2B-1 NMSA 1978) and then amends the definitions in Section 26-2B-6 NMSA 1978 to remove references to the RLD and replaces them with references to the CCB. It adds definitions for mature cannabis plant and personal production license. It amends Section 26-2B-6 NMSA 1978 so that the advisory board will be making recommendations to CCB—not the RLD. It requires the department to formulate and administer a registry identification card system and promulgate certain rules by 1 October 2017. It gives the RLD authority to collect annual fees for a new or renewed producer license that will begin at fifteen thousand dollars ($15,000) with a maximum of forty-five thousand dollars ($45,000) depending on the number of plants cultivated.

HB 89 amends the definitions in Section 30-31-2 NMSA 1978 and the schedule in Section of the Controlled Substance Act (CSA) to exclude industrial hemp or marijuana for the purpose of conduct that complies with the CRFA from the definition of controlled substance and marijuana. It makes similar changes to those drugs included in Schedule I (Section 30-31-6 NMSA 1978) under the CSA. It distinguishes between marijuana and another controlled substance in Sections 30-31-20, 30-31-22 and 30-31-23 NMSA 1978 and modifies penalties in the Sections 30-31-22 and 30-31-23NMSA 1978 for marijuana and synthetic cannabinoids. In the latter section, it establishes penalties for possession of synthetic cannabinoids by a minor that differ from other provisions in this section. Generally it reduces violations concerning marijuana from a fourth degree felony to a misdemeanor.

HB 89 amends the definitions in Section 30-31B-2 NMSA 1978 of the Drug Precursor Act to exclude industrial hemp or marijuana for the purpose of conduct that complies with the CRFA.

HB 89 would be effective 1 July 2017.

HB 89 relates to SB 278.
1986 is deleted, so the benefits trust purposes are permitted by the Act.

House Bill 97 (HB 97) allows a municipality to establish a municipal post-employment life insurance benefits trust. The trust may be established, maintained, and used by a municipal treasurer, who is the trustee, with the consent of the municipal board of finance. Contributions to the trust are irrevocable and dedicated exclusively to funding post-retirement life insurance benefits. Trust funds are to be invested pursuant to the Uniform Prudent Investor Act. All earnings and income are credited to the trust. Municipal post-employment life insurance benefits trusts are established and maintained for purposes under Section 115 of the Internal Revenue Code of 1986.

**HB100**
**SHORT-TERM LOAN POSITIVE CREDIT REPORTING**
Martinez, Javier

**Position:** Neutral  **Priority:** Watch List

HPREF [1] HCPAC/HBIC-HCPAC
Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

House Bill 100 (HB 100) requires the reporting of positive credit to nationwide reporting agencies by payday, automobile title, and installment loan lenders.

Analysis

House Bill 100 (HB 100) amends Section 58-7-1 NMSA 1978 by adding a new section that requires the reporting of positive credit to nationwide consumer reporting agencies by payday, automobile title, and installment loan lenders. The same amendment is included the New Mexico Small Loan Act of 1955 and the Motor Vehicle Sales Finance Act.

Positive credit means financial records relating to the loan and the timely performance of the borrower in making payments on the loan. Nationwide consumer reporting agency is any person that regularly engages in the practice of evaluating or maintaining a consumer’s creditworthiness in order to provide reports to third parties.

The effective date of the provisions of HB 100 is July 1, 2017.

**HB180**
**REVISED UNIFORM LLC ACT**
Cook, Zachary J.

**Position:** Support  **Priority:** Watch List

Scheduled: 2/13/2017
Link to bill on nmlegis.gov

Synopsis

House Bill 180 (HB 180) repeals the Limited Liability Company Act and enacts the Revised Uniform Limited Liability Company Act.

Analysis

House Bill 180 (HB 180) repeals the Limited Liability Company Act and enacts the Revised Uniform Limited Liability Company Act (Act), which does the following:

Article 1 provides general provisions of the Act, such as the rules regarding operating agreements, and provides that the law of New Mexico governs the internal affairs of a Limited Liability Company (LLC) and the liability of a member for a debt or liability of a LLC.

Article 2 provides that the Act applies to LLCs formed after July 1, 2018. An LLC formed before July 1, 2018 may elect to be governed by the Act by filing an amended certificate of organization with the Secretary of State. However, the Act will apply to all foreign LLCs, regardless of date of formation.

Portions of the Act will apply to LLCs formed before July 1, 2018, even if the LLC chose not to be governed by the Act.
Such provisions, found in Sections 117, 212, 702, and 704 through 710 are:
Fees charged by the Secretary of State;
The requirement of an LLC to file triennial reports to the Secretary of state;
The process for how an LLC winds up, and how assets are disposed of in winding up;
The ability for a dissolved LLC to notify its claimants of its dissolution. Claims against a dissolved LLC is barred if proper notice was given.
The ability for the Secretary of State to administratively dissolve an LLC, and the process for an LLC to become reinstated after such an administrative dissolution. An LLC may seek judicial review if the Secretary of State denies their reinstatement.
The Act allows the Secretary of State to impose a $200 civil penalty to an LLC who fails to timely file a triennial report. The Secretary of State may also charge fees that vary from $10 to $100 for the services relating to the LLCs, such as the filing of the certificate of organization or merger.
Article 3 provides rules regarding the relationship of members and managers to persons dealing with an LLC. For example, a member is not necessarily an agent of an LLC. Also, debts or liabilities of the LLC are those of the company, not of the member or manager.
Article 4 provides rules regarding the relationship of members to each other and to a LLC, including distributions and liabilities. The Act distinguishes between a member-managed LLC, where the management and conduct of the company are vested in the members, and a manager-managed LLC, where any matter relating to the affairs of the company is decided exclusively by the manager. The Act provides that members owe a duty of good faith and fair dealing. This article explains the process for a member who seeks information from the company.
Article 5 allows a member to transfer its interest in the LLC to another, and provides that an LLC must continue to pay debts to a debtor that was transferred.
Article 6 provides rules regarding dissociation, such as when a member may dissociate from an LLC, and when a member's dissociation is wrongful.
Article 7 provides the procedure for the dissolution and winding up of an LLC. This article also provides when an LLC may be administratively dissolved and subsequently reinstated.
Article 8 provides the procedure for how a member may take a direct or derivate action against another member.
Article 9 provides rules regarding Foreign LLCs. The law of where the foreign LLC was formed governs the foreign LLC's internal affairs, liability of a member or manager for debts of the LLC, and liability of a series of the company. A foreign LLC must register in New Mexico before doing business in this state.
Article 10 provides rules pertaining to mergers, interest exchanges, conversion, and domestication. For example, the Act allows one or more domestic LLCs to merge with one or more domestic or foreign entities, and two or more foreign entities may merge into a domestic LLC.
HB 180 repeals Section 53-13-7 and replaces it with a new Section 53-13-7 that relates to how a corporation may restate its articles of incorporation.
HB 180 repeals Sections 53-14-2.1 and 2.1 and replaces it with new Sections 53-14-2.1and 2.1 that provides for the procedure for a domestic corporation to become a domestic LLC, and a way for a domestic corporation to become a foreign corporation. Such a conversion or domestication constitutes a dissolution of the corporation.
HB 180 has two effective dates, depending on Section, from July 1, 2018 to January 1, 2018.

HB181
UNIFORM PARTITION OF HEIRS PROPERTY ACT
Cook, Zachary J.

**Position:** Support  **Priority:** Watch List

Scheduled:2/13/2017
Link to bill on nmlegis.gov

Synopsis

House Bill 181 (HB 181) enacts the Uniform Partition of Heirs Property Act and makes conforming amendments to the Uniform Probate Code. It amends procedures for self-proving wills in the Uniform Probate Code and makes a technical amendment to the Uniform Trust Decanting Act.

Analysis

House Bill 181 (HB 181) enacts the Uniform Partition of Heirs Property Act (UPHPA) with thirteen sections including a definition section with nine definitions. The UPHPA will apply to partition actions filed on or after 1 July 2017. It requires the court to determine whether the partition filed under Chapter 42, Article 5 NMSA 1978 (Partition) involves heirs property as defined. If so, then the court will apply the UPHPA provisions unless all cotenants agree otherwise in a record.

HB 181 does not limit or affect the method of service for a partition complaint. However, if the plaintiff to the partition uses
HB 181 provides that if the court appoints commissioners under Section 42-5-6 NMSA 1978, in addition to the requirements in that section, the UPHPA requires each commissioner to be disinterested, impartial and not a party to or a participant in the action.

HB 181 establishes a procedure by which the court will determine the fair market value of the property through an appraisal or through an evidentiary hearing under certain circumstances. If the cotenants have agreed as to the value or to a different method, the court will accept that value or the value determined by the agreed upon method. The valuation process includes notice to each party and a hearing. HB 181 requires the court to establish the valuation before considering the merits of the partition action. It establishes time lines within this process.

HB 181 provides a cotenant buyout process if a partition by sale is requested. It prohibits the cotenant who requests the partition sale from buying out the interests of the other cotenants. It allows a cotenant who did not make the request to buyout all the other cotenants. The process includes a formula for establishing the purchase price for each cotenant’s fractional ownership. HB 181 provides a formula when there is more than one cotenant who wants to buy out the other cotenants. It establishes a timeline for payment and a process for reallocating those purchased interests.

HB 181 provides an alternative method when no cotenant offers to purchase all the other cotenants' shares, when the electing cotenant does not make a timely payment of the apportioned price, or when one or more but not all of the electing cotenants do not make timely payments. It allows any cotenant that paid to elect to purchase all the remaining interest and provides a process of allocation when more than one cotenant pays the entire price for the remaining interest. HB 181 provides an alternative procedure when no cotenant pays the entire price for the remaining interest. It allows for the sale of a cotenant’s interest who was named as defendant but did not appear with certain limitation.

HB 181 also provides for partition in kind unless after consideration of the factors listed in the UPHPA, the court determines that partition in kind will result in manifest prejudice to the cotenants as a group. It allows for aggregation of interests when requested by two or more cotenants and protection of the interest of cotenants who are unknown, unlocatable or subject to a default judgment in the UPHPA. It established time lines within the process. If the court does not order a partition in kind, then it shall order partition by an open-market sale.

HB 181 lists six specific factors and one general one the court should consider when deciding to allow a partition in kind including practicality of a division of property, sentimental attachment, lawful use, and payment of property taxes, insurance and maintenance costs. It requires the court to weigh all factors with no one being dispositive.

HB 181 provides for an open-market sale under certain circumstances unless the court finds that a sale through sealed bids or an auction would be more economically advantageous and in the best interests of the cotenants. It establishes a process for the appointment of a broker and reporting and sales requirement when there is an offer within a reasonable time period. It also establishes three alternatives for the court should there be no timely offer including sale by sealed bid or auction. It establishes time lines for a realtor reporting an offer under this section and the informational content of such a report.

HB 181 requires the court to give consideration to the need for uniformity of the law with respect to its subject matter among the states that enact a UPHPA.

The UPHPA modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

HB 181 makes technical and clarifying amendments to Section 45-2-103 NMSA 1978 (Share of Heirs Other than Surviving Spouse).

It amends Section 45-2-504 NMSA 1978 to allow for affirmation under penalty of perjury in a self-proved will and provides new forms for the affidavit or affirmation by the testator/testatrix and the witnesses.

HB 181 amends Section 45-3-203 NMSA 1978 to allow a creditor to seek an appointment as a personal representative of the estate forty-five days after the death of the decedent. It makes a technical amendment.

It amends Section 45-3-703 NMSA 1978 to prohibit a personal representative from delaying the distribution of an estate when there is the possible birth of a posthumously conceived child with certain limitations. This subsection defines genetic material.

HB 181 makes technical changes to Section 45-3-705 NMSA 1978 and exempts the personal representative from giving notice of the appointment to a child born more than thirty days after the personal representative’s appointment. It includes children born by posthumous conception.

It requires the order for partition or sale by the court under Section 45-3-911 NMSA 1978 to conform to the provisions of the UPHPA.
HB 181 makes technical and clarifying amendments to Section 46-12-119 NMSA 1978 (Uniform Trust Decanting Act).

Sections 14 and 20 of HB 181 would be effective 1 July 2017, and the remaining sections (1-13 and 19) would be effective 1 January 2018.

HB 182
PROPERTY NOTE TRANSFER ENFORCEMENT & LOSSES
Cook, Zachary J.

Position: Support Priority: Moderate

House Bill 182 (HB 182) relates to property. HB 182 amends the Uniform Commercial Code. HB 182 provides that the transferee of a note can enforce it, if a direct or indirect transferor could have enforced it. HB 182 provides for a lost-note affidavit. HB 182 clarifies language. HB 182 provides an applicability section. HB 182 is effective January 1, 2018.

Analysis

House Bill 182 (HB 182) amends Enforcement Of Lost, Destroyed Or Stolen Instrument, Section 55-3-309. NMSA 1978. HB 182 allows the transferee of a note to enforce it, if a direct or indirect transferor could have enforced it. HB 182 provides for a lost-note affidavit under an added Subsection (c). HB 182 amends the section title to reflect new content. HB 182 clarifies language. HB 182 provides applicability content. HB 182 is effective January 1, 2018.

HB 182 amends the section title name to now read as: Enforcement Of Lost, Destroyed Or Stolen Instrument-Lost-Note Affidavit. HB 182 amended Subsection (a)(i) states a person not in possession of an instrument is entitled to enforce the instrument if: (i) the person seeking to enforce the instrument entitled to enforce the instrument when loss of possession occurred or has directly or indirectly acquired ownership of the instrument from a person that was entitled to enforce the instrument when loss of possession occurred. HB 182 removed the following language from this section: in possession of the instrument and. HB 182 did not amend any language from the second half of Subsection a(ii); current content is in tact.

HB 182 provides an applicability section stating the provisions of this act apply to:

- an instrument if the loss of possession occurred before, on or after January 1, 2018.
- an instrument if the right to enforce the instrument was acquired before, on or after January 1, 2018.
- a judicial proceeding commenced on or after January 1, 2018.
- a judicial proceeding commenced before January 1, 2018, unless the court finds that a provision of this act would interfere substantially with the effective conduct of the judicial proceeding or would prejudice the rights of a party, in which case the superseded law, and not that provision, applies.

HB 182 adds a Subsection (c) stating, in an action to foreclose a lien on real property secured by the instrument, the creditor must attest to the facts required by Subsection (a) of this section in: (i) a verified complaint or (ii) an affidavit or a statement affirmed under penalty of perjury under the law of New Mexico and attached to the complaint.

HB 182 provides an example of a sufficient Lost-Note Affidavit form:

Lost-Note Affidavit

[Name of affiant] (Affiant) being sworn deposes and says:

1. Affiant is [Title or ___________________________ position] of [Name of creditor] ___________________________ (Lender) and is authorized to make this affidavit on Lender's behalf.

2. Lender is the legal owner of a promissory note (Note) executed by

__________________________________________

[Name(s) of obligor(s)] in the original principal amount of $ [dollar amount], dated

[insert date] and secured by

[Name of instrument] recorded in

[recording reference].

Lender has not sold, assigned, pledged, or otherwise transferred the Note to any person. The Note is free and clear of all claims and encumbrances.

3. The Note is lost, destroyed, or stolen and for this reason cannot be produced.
4. On [insert date], Affiant made a diligent search for the Note by personal examination of the books and records of Lender, as follows:

[describe search efforts, including the books and records examined by Affiant]

[Name of affiant].

[ADD ACKNOWLEDGMENT]

HB203
HOME LOAN PROTECTION ACT & FORECLOSURES
Cook, Zachary J.

Position: Support Priority: High

[3] HBIC/HJC-HBIC
Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

House Bill 203 (HB 203) relating to home loans, amending the Home Loan Protection Act, clarifying that the Home Loan Protection Act does not affect foreclosure processes pursuant to the Deed of Trust Act.

Analysis

House Bill 203 (HB 203) amends the Home Loan Protection Act clarifying that the Act does not affect the foreclosure process pursuant to the Deed of Trust Act, for the right of non-judicial foreclosure covered by the Deed of Trust Act. New language states that a creditor or a creditor's assignee of a home loan that has the legal right to foreclose shall, in a foreclosure, use the judicial foreclosure procedures provided by law or the non-judicial foreclosure procedures provided in the Deed of Trust Act if the home loan is made under that Act. Further in existing language it says, in such a proceeding, the borrower may assert the nonexistence of a default and any other claim or defense to acceleration and foreclosure, including any based on a violation of the Home Loan Protection Act, though no such claim or defense shall be deemed a compulsory counterclaim.

HB239
STATE EMPLOYEE LOAN REPAYMENT
Ferrary, Joanne

Position: Neutral Priority: Watch List

[3] HSIVC/HLED-C-HSIVC
Scheduled:2/16/2017
Link to bill on nmlegis.gov

Synopsis

House Bill 239 (HB 239) allows a state employee to have certain loan repayments be paid directly out of their salary or wages.

Analysis

House Bill 239 (HB 239) amends Section 10-7-2 NMSA 1978 to allow state employees to have certain loan repayments be paid directly out of their salary or wages. The bill specifically requires that:
The employee may elect to have a portion of their salary be sent directly to a qualified lender to repay a loan. A qualified lender is a loan company licensed to, or exempted from, the New Mexico Small Loan Act of 1955. The repayment amount must not exceed 12% of the employee's gross pay. The employee cannot be charged for this service. The state does not provide any of the loan principal, take on any risk for the loan, or is involved in any loan approval decision. The annual percentage rate of the loan must not exceed 30% plus the U.S. prime interest rate at the time of the loan.

HB 239 is identical to Senate Bill 166.

HB 239 is effective July 1, 2017.

**HB289**

**AGRICULTURE IN ECON DEVELOPMENT FINANCE ACT**
Small, Nathan

**Position:** Neutral  **Priority:** Watch List

[4] HLEDCHBIC-HLEDCHBIC
Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

**Synopsis**

RELATING TO ECONOMIC DEVELOPMENT; EXPANDING THE STATEWIDE ECONOMIC DEVELOPMENT FINANCE ACT TO INCLUDE AGRICULTURAL ENTERPRISES.

**Analysis**

**HB296**

**LIQUOR LICENSE CHANGES**
Little, Rick

**Position:** Oppose  **Priority:** Watch List

Scheduled: 2/15/2017
Link to bill on nmlegis.gov

**Synopsis**

House Bill 296 (HB 296) amends dispenser's and retailer's license provisions; repeals limitations on numbers of dispenser's and retailer's licenses; inter-local option district transfers; and provisions for restaurant, club and canopy licenses. It amends other sections of the Liquor Control Act.

**Analysis**

House Bill 296 (HB 296) amends Section 60-3A-3 NMSA 1978 by deleting the definition for club and restaurant and modifies the one for dispenser, licensed premises, and package. In Section 60-6A-2 NMSA 1978, HB 296 places limitations on a retailer's license—that is, a retailer can sell alcohol but may not permit it to be consumed on premises; the license is not transferable to another person or another location, except if the location is transferred in the local option district. A retailer may hold other licenses. It puts similar limitations on dispensers concerning sales of unbroken packages and non-transferable with same exception concerning location in Section 60-6A-3 NMSA 1978.

HB 296 deletes the fees for canopy, restaurant and club licenses in Section 60-6A-15 NMSA 1978. It deletes references to clubs and restaurants in the schedule for proration of fees (Section 60-6A-16 NMSA 1978), HB 296 removes canopy licenses as part of the exception to an liquor license not being a property right and it removes the transfer rights in Section 60-6A-19 NMSA 1978.

HB 296 amends Section 60-6B-2 NMSA 1978 to clarify that certain requirements for a new applicant apply to those who are not an individual. It requires a sworn affidavit concerning financial responsibility toward wholesale licensee creditors.
False statements on the affidavit will result in denial of a license. It makes technical amendments. It deletes the necessity of obtaining approval by the governing body of a local option district if the license is a trust and deletes references in this section to transfer of ownership. It allows for fingerprints by a non-resident applicant to be done by comparable officers in that state. HB 296 deletes provisions concerning issuance of the license within a certain timeframe and instead provides for notice on the premises with certain content and in a certain format and at a required placement on the structure or lot at the cost of the applicant. It makes it unlawful to remove or deface these notices with fines and terms of imprisonment specified. It establishes the process for approving a license including the issuance of a preliminary approval and deletes corresponding subsections that are in conflict and clarifies that certain requirements are for preliminary approval including notice to the governing body of the local option district and a process for local option district approval after a public meeting that the governing body holds. HB 296 provides notice requirements, including content, form and publication, for the local governing body's public meeting. A hearing officer may conduct the hearing. It gives the governing body certain reasons for disapproval of the issuance of a license including zoning violations, violation of location under state law and general public health, safety or morals objections. It gives the governing body thirty days to notify the department or the director may issue a final approval. The director will follow the vote of the governing body for approval or disapproval. HB 296 then allows for the issuance of a temporary license subject to background check on the temporary licensee.

HB 296 amends Section 60-6B-4 NMSA 1978 to provide for transfer of a dispenser or retailer license within a local option district initiated by an application and a two-hundred-dollar non-returnable fee to the director. It requires a sworn affidavit concerning financial responsibility toward wholesale licensee creditors, notice; and approval or disapproval by the governing body within specified time periods; and other requirements similar for an initial application for such a license.

It omits canopy licenses from the section on expiration and renewal (Section 60-6B-5 NMSA 1978). The director must be satisfied concerning the financial responsibility toward wholesale licensee creditor before approving an application. It provides that such debts are liens on the license.

It omits canopy, restaurant and club licensees from the provisions for discontinuance of a business or upon death of a licensee in Section 60-6B-9 NMSA 1978.

HB 296 excepts certain prohibited conduct found in Section 60-7A-11 NMSA 1978 when the retailer also holds a dispenser’s license. It prohibits a retail licensee from having a person dispense alcohol if the person has not received alcohol server training within thirty days of employment or from employing or engaging a person to sell alcoholic beverages during a period when the server permit of that person is suspended or revoked. It excepts certain prohibited conduct found in Section 60-7A-12 NMSA 1978 unless the dispenser also has a retailer’s license.

HB 296 removes references to lessees or restaurant and club licenses from Section 60-7B-10 NMSA 1978 and references to lessees and canopy, restaurant and club licensees from Sections 60-8A-1 and 60-8A-3 NMSA 1978.

HB 296 repeals Sections 60-6A-4, 60-6A-5, 60-6A-18, 60-6B-3, 60-6B-12, 60-6B-14 through 60-6B-16 and 60-7A-13 NMSA 1978.

HB 342
COMMUNITY DEV FINANCIAL INSTITUTION ACT

Louis, Georgene

Position: Neutral  Priority: Watch List

[5] HLED/HAFC-HLED
Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

House Bill 342 (HB 342) enacts the Community Development Financial Institution Act to provide financial and technical assistance to certified institutions. HB 342 creates a fund and makes an appropriation.

Analysis

House Bill 342 (HB 342) creates the Community Development Financial Institution Act (Act) to increase access to effective lending and financial services and thus economic development in underserved communities. HB 342 introduces a definitions section. Community development financial institution (institution) is an organization in the state that is certified by the Federal Community Development Financial Institutions Fund.

HB 342 provides institutions a procedure to apply to the Economic Development Department (EDD) for financial or technical assistance. The application will contain a business plan; a needs analysis of the investment area or target
population; explanation of proposed activities and how they are consistent with existing plans; and a description of community and financial coordination in the investment area. The application also includes if applicable, prior experience in serving investment areas or target populations; how financial services will be provided to businesses that employ or will create jobs; and a description of how the applicant will provide a target population with access to financial services and invest proceeds. HB 342 provides selection criteria for the EDD to grant awards of assistance. Factors in assessing the applications include the likelihood of success in meeting goals; experience and background of applicant’s board of directors or management team; extent of need for loans or development services in investment area or with target population; degree of economic distress in target area or group; possibility of economic expansion in the area; extent of support from the area; level of applicant’s planned community involvement; degree of collaboration with other institutions or participation in secondary market; and extent of prior success in the area.

HB 342 is permitted to provide an eligible institution financial assistance through deposits, credit union shares, loans, or grants; or technical assistance or training regardless whether the institution has received financial assistance from the fund. HB 342 charges the Economic Development Commission (EDC) with rulemaking authority to implement the Act.

Permissible uses of financial assistance by an institution are:
The development of commercial facilities that promote revitalization, community stability, and the creation of jobs;
The development or improvement of community facilities;
The providing of basic financial services;
The furnishing of financial counseling;
Housing for low-income individuals in certain situations;
The development of businesses that provide jobs for target populations or increase availability of products or services to target populations; and
Activities that EDC finds appropriate.

HB 342 provides for EDC to create an advisory committee of at least five members to advise in the promotion, implementation, and administration of the Act. EDD is charged with submitting an annual report to the governor and Legislative Finance Committee describing financial and technical assistance provided. The report must contain the number of applicants filed and accepted, the amount and type of assistance provided, a description of the projects, the number of jobs created, and the amount and source of leveraged funds, and any other appropriate information.

HB 342 creates the Community Development Financial Institution Fund (Fund). EDD will administer the Fund that consists of appropriations, gifts, grants, donations, and investment income. The fund balance will not revert to any other fund at the end of a fiscal year.

There is not an effective date of HB 342. It is assumed that the effective date is 90 days after the session ends.

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**HB347**  
**INSTALLMENT LOAN FEE LIMITS & LITERACY FUND**

Lundstrom, Patricia A.

Position: Neutral (with Amendments)  
Priority: Moderate

[5] HBIC/HJC-HBIC  
Scheduled: Not Scheduled at this time.  
[Link to bill on nmlegis.gov](http://nmlegis.gov)

Synopsis

RELATING TO FINANCIAL INSTITUTIONS; LIMITING FEES AND CHARGES FOR CERTAIN INSTALLMENT LOANS; PROVIDING FOR REPORTING TO CREDIT AGENCIES; AMENDING CHAPTER 56, ARTICLE 8 NMSA 1978, THE NEW MEXICO SMALL LOAN ACT OF 1955 AND THE NEW MEXICO BANK INSTALLMENT LOAN ACT OF 1959; REPEALING SECTIONS OF THE NEW MEXICO SMALL LOAN ACT OF 1955; CREATING THE FINANCIAL LITERACY FUND; MAKING AN APPROPRIATION.

Analysis

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**HB361**  
**RESIDENT DIRECTORS OF NM BANKS**

Cook, Zachary J.

Position: Support  
Priority: High
Synopsis

House Bill 361 (HB 361) reduces the number of New Mexico resident directors required of a state bank.

Analysis

House Bill 361 (HB 361) modifies Section 58-1-65 NMSA 1978 and reduces the number resident directors required of a state bank from two-thirds of directors to one that resides in New Mexico. However, the provision that at least 75% of the directors must be United States citizens remains unchanged.

HB 361 makes technical changes including gender-neutral terms.

There is not an effective date of HB 361. It is assumed that the effective date is 90 days after the session ends. However, the money is to be expended in Fiscal Year 2018.

HB361
RESIDENT DIRECTORS OF NM BANKS
Cook, Zachary J.

Position: Support Priority: High

Synopsis

House Bill 361 (HB 361) reduces the number of New Mexico resident directors required of a state bank.

Analysis

House Bill 361 (HB 361) modifies Section 58-1-65 NMSA 1978 and reduces the number resident directors required of a state bank from two-thirds of directors to one that resides in New Mexico. However, the provision that at least 75% of the directors must be United States citizens remains unchanged.

HB 361 makes technical changes including gender-neutral terms.

There is not an effective date of HB 361. It is assumed that the effective date is 90 days after the session ends. However, the money is to be expended in Fiscal Year 2018.

HB368
SMALL LOAN ACT REPORTING REQUIREMENTS
Lente, Derrick

Position: Neutral Priority: Watch List

Synopsis

House Bill 368 (HB 368) simplifies reporting requirements for licensees pursuant to the New Mexico Small Loan Act of 1955.

Analysis
House Bill 368 (HB 368) revamps the reporting requirements in Section 58-15-10.1 NMSA 1978. HB 368 reduces the number of reporting categories from fourteen to six. It has three broad categories requiring a description of each loan product with specific elements; the total principal of the loans; and then for each loan product, the total number of loan contracts.

It establishes three other categories where the data for interest and fees is broken down by annual interest rates or for total loans and total principal where the data is broken down by length of the loan term.

HB 368 requires each licensee to submit the required report on or before 31 March of each year that must be accompanied by a sworn affidavit that the contents are complete and accurate. It continues to provide for penalties in terms of fines [up to one thousand five hundred dollars ($1,500) per day] and license suspension for those who do not submit the reports in a timely manner. It eliminates the exclusion for payday loans or loans with a certain interest rate or lower from the reporting requirements.

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**HM7**

**STUDY NMFA ACCESSIBILITY**

Trujillo, Linda

**Position:** Oppose  **Priority:** Low

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**SB1**

**UNITARY GROUP COMBINED TAX REPORTING**

Wirth, Peter

**Position:** Neutral  **Priority:** Watch List

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Senate Bill 1 (SB 1) requires combined reporting for a unitary group and amends definitions and repeals section 7-2A-8.4 NMSA 1978 in the Corporate Income and Franchise Tax Act.

Analysis

Senate Bill 1 (SB 1) requires combined reporting for a unitary group and amends definitions and repeals section 7-2A-8.4 NMSA 1978 in the Corporate Income and Franchise Tax Act. Affiliated group is defined instead of referring to the definition in the Internal Revenue Code. Common ownership, foreign corporation, foreign operating company, return, water’s edge combined report, and worldwide combined report are added to the definition section. Unitary group is redefined.

Section 7-2A-8.3 NMSA 1978, Combined Reports, is amended to require a unitary group to file either a water’s edge combined report or a worldwide combined report. Additionally, a group of corporations that are not a unitary group may elect to file a water’s edge combined report. SB 1 provides for calculations of unadjusted income of the combined group.

Rules for apportionment under the Uniform Division of Income for Tax Purposes Act is added.

SB 1 repeals 7-2A-8.4 NMSA 1978, Consolidated Returns.

Provisions provided in SB 1 apply to tax years beginning on or after January 1, 2017.

SB 13

POST-EMPLOYMENT LIFE INSURANCE TRUSTS

Ortiz y Pino, Jerry

Position: Neutral  Priority: Watch List

Scheduled: Not Scheduled at this time.

Link to bill on nmlegis.gov

Synopsis

Senate Bill 13 (SB 13) authorizes a municipality to establish a municipal post-employment life insurance benefits trust.

Analysis

SB 13 SPACa

The Senate Public Affairs Committee amended (SPACa) SB 13 deleting the reference to a municipality establishing an investment fund for purposes permitted under Section 115 of the Internal Revenue Code of 1986. Instead, SB 13 permits the investment fund for purposes by the act itself.

Senate Bill 13 (SB 13) authorizes a municipality to establish a municipal post-employment life insurance benefits trust maintained and used by a municipal treasurer under the advice and consent of the municipal board of finance. The trust money is dedicated exclusively to fund post-retirement life insurance benefits and must comply with the Uniform Prudent Investor Act and provisions of SB 13. The municipal treasurer will be the trustee and may use the services of a trust company to manage the investments of the trust. Municipal post-employment life insurance benefits trust and trust company are defined.

SB 13 was endorsed by the Investments and Pensions Oversight Committee.

SB 15

SMALL LOAN INTEREST RATE CAPS

Soules, William

Position: Neutral (With Exemption)  Priority: Watch List

SPREF [1] SCORC/SJC-SCORC
Scheduled: Not Scheduled at this time.

Link to bill on nmlegis.gov

Synopsis
Senate Bill 15 (SB 15) amends the New Mexico Bank Installment Act and the New Mexico Small Loan Act by capping interest rates and voiding contracts that exceed the cap. SB 15 repeals a section of the New Mexico Small Loan Act.

Analysis

Senate Bill 15 (SB 15) amends Section 56-8-9 NMSA 1978, New Mexico Small Loan Act, by capping interest rates charged or received for the extension of credit at thirty-six percent. If the United States prime lending rate exceeds ten percent, the rate of interest may exceed thirty-six percent, but not thirty percentage points in excess of the prime rate. Contracts entered into after July 1, 2017 that exceed the cap will be voided. Federally insured depository institution or government-issued bonds are exempted.

SB 15 repeals Section 56-8-9.C. that currently allows parties transacting business or commercial loans in the amount of $500,000 or greater an agreed upon rate that exceeds the cap.

The New Mexico Bank Installment Loan Act of 1959, section 58-7-1 NMSA 1978, is amended as above.

SB 15 is related to HB 26. Both bills establish an interest rate cap of thirty-six percent.

The effective date of the provisions in SB 15 is July 1, 2017.

SB24
LOCAL GOVT BROADBAND INFRASTRUCTURE
Padilla, Michael

Position: Support Priority: Moderate

Scheduled:2/13/2017
Link to bill on nmlegis.gov

Synopsis

Senate Bill 24 (SB 24) amends the Infrastructure Development Zone Act to provide local government the means to develop broadband infrastructure.

Analysis

Senate Bill 24 (SB 24) amends the Infrastructure Development Zone Act (Act), Section 5-17-2 NMSA 1978. Improvements and facilities in an infrastructure development zone approved by governing bodies include systems involving sewage, flood control, water, transportation, public-use trails, recreation, landscaping, safety, energy, natural gas, and lighting. Currently, cable and telecommunications services subject to the Act are comprised of lines and related equipment, and fiber optic transmission facilities that carry signals for voice, data, and video. SB 24 adds broadband technology improvements and facilities as a service that may be developed by a local government.

SB36
RAISE MINIMUM WAGE
Soules, William

Position: Neutral Priority: Watch List

Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

Senate Bill 36 (SB 36) relates to labor and the state minimum wage rate. SB 36 amends Section 50-4-22 NMSA 1978. SB 36 raises the minimum wage and provides alternatives. SB 36 requires cost-of-living adjustments and allows local government minimum wage enactments. SB 36 is effective July 1, 2017. SB 36 is somewhat similar to HB 27.

Analysis
Senate Bill 36 (SB 36) amends several sections of Minimum Wages, Section 50-4-22. NMSA 1978. SB 36 requires an employer of employees who regularly receive more than thirty dollars ($30.00) a month in tips, to pay these employees an increased minimum hourly wage of two dollars sixty-five cents ($2.65) per hour. SB 36 requires this minimum wage rate adjusted annually on January 1 for cost-of-living increases. The current minimum wage rate for this labor force is two dollars thirteen-cents ($2.13).

SB 36 requires employers with ten or more employees to pay an employee the increased minimum wage of eight dollars forty-five cents ($8.45) an hour. The current rate is seven dollars-fifty cents ($7.50) an hour. SB 36 requires the state minimum wage rate adjusted annually on January 1, for cost-of-living increases.

SB 36 requires an employer with ten or fewer employees to pay the minimum wage of seven dollars fifty cents ($7.50) an hour. SB 36 requires the state minimum wage rate adjusted for these employees annually on January 1, for cost-of-living increases.

SB 36 requires an employer with ten or more employees, who employ trainee employees, to pay a trainee employee during the training period, the minimum wage rate of seven dollars fifty-cents ($7.50) per hour. SB 36 requires the trainee employee minimum wage rate adjusted annually on January 1, for cost-of-living increases. SB requires an employer with ten or more employees, after six months from the date of hire of the trainee, to pay these employees, the increased minimum wage rate of eight dollars forty-five cents ($8.45) an hour.

SB 36 requires employers, beginning on January 1, 2018 and then on January 1 of each subsequent year, to pay an employee the prior year's minimum wage, increased by a percentage equal to the percentage increase, if any, of the cost-of-living calculated, with the amount of the minimum wage increase, rounded to the nearest multiple of five cents ($0.05).

SB 36 requires the Workforce Solutions Department, no later than September 30 of each year, and beginning in 2017, to calculate a percentage increase in the cost-of-living, based upon the percentage increase.

SB 36 requires the Workforce Solutions Department to publish, no later than November 1 of each year, the adjusted minimum wage rates taking effect the following January 1. SB 36 does not allow for minimum wage rates to be adjusted downward as a result of a decrease in the cost of living.

SB 36 adds language stating this act is not an authorization for employers to lower the hourly wage of an employee. SB 26 also adds language stating this act is not an authorization or requirement for employers to replace or preempt the enactment of a local governing body that sets a minimum wage rate higher than a minimum wage rate set pursuant to this act.

SB 36 is somewhat similar to HB 27.

**SB43**

**SALE OF PUBLIC SECURITIES BY PUBLIC BODIES**

Cervantes, Joseph

**Position:** Neutral  **Priority:** Watch List

Scheduled: 2/21/2017
Link to bill on nmlegis.gov

Synopsis

Senate Bill 43 (SB 43) allows public bodies to delegate authority for making certain determinations regarding sales of public securities. It clarifies the definitions of public body and public securities and establishes reporting requirements to the New Mexico Finance Authority Oversight Committee. The New Mexico Finance Authority Oversight Committee endorsed this bill.

Analysis

Senate Bill 43 amends Section 6-14-9 NMSA (Supplemental Public Securities Act) 1978 by expanding the definition of public body to include the NM Finance Authority (NMFA).

SB 43 enacts a new section of the Supplemental Public Securities Act that allows a public body to adopt an authorizing instrument that delegates the authority to sign a contract, accept a binding bid for public securities, and to determine the final terms for public securities issued under this new section to certain members, officers or employees of the public body.
SB 43 enumerates the items that need to be addressed in the authorizing instrument including the public purpose for the securities; maximum term; maximum interest rate; each tax or revenue source; public or private sale; minimum or maximum sale price; the maximum amount of underwriting discount, if any; the form of the public securities; any appointments required by law; and the existence of a refund, if any.

It also itemizes eleven types of final terms of the public securities in Subsection C that a public body may delegate through an authorizing instrument including: interest and principal payment dates; sale price; interest rate; principal amount; and redemption and tender provisions.

SB 43 requires the public body to approve any terms not listed in Subsection C and establishes a procedure for the delegate to certify that the final terms of a public security comply with the parameters and conditions of the authorizing instrument. It does not require action on the part of the public body when this determination is made. It protects the delegate from personal liability when acting within the scope of authority allowed in this section.

SB 43 enacts a new section of the New Mexico Finance Authority Act that requires the NMFA to report to the NM Finance Authority Oversight Committee about the authority’s public securities issuances completed in the prior twelve months that involve a delegation of authority by 30 September of each year.

SB 43 would be effective 1 July 2017.

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SB50  
ADDITIONAL UPPER-TIER TAX BRACKETS  
O’Neill, Bill B.

Position: Neutral  Priority: Watch List

Synopsis

Senate Bill 50 (SB 50) creates upper-tier personal income tax brackets thus raising the tax rate for higher earners.

Analysis

Senate Bill 50 (SB 50) amends Section 7-2-7 NMSA 1978, Individual Income Tax Rates, by creating upper-tier personal income tax brackets.

Married filing separate individuals’ tax with taxable income over $187,500 will be taxed $8,983.50 plus 8.2% of excess over $187,500.

Heads of household, surviving spouses, and married filing joint filers with taxable income over $375,000 will be taxed $17,967 plus 8.2% of excess over $375,000.

Single filers, estates, and trusts with taxable income over $250,000 will be taxed $11,970.50 plus 8.2% of excess over $250,000.

SB 50 applies to taxable years beginning on or after January 1, 2017.

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SB56  
CONCEALED CARRY ELIGIBILITY  
Neville, Steven P.

Position: Neutral  Priority: Watch List

Synopsis

Senate Bill 56 (SB 56) relates to the Concealed Handgun Carry Act. SB 56 amends Section 30-7-2. NMSA 1978. SB 56 allows certain adults to carry a loaded concealed handgun, without the issuance of a Concealed Handgun License, if a
person is not prohibited by state or federal law or a court order from possessing or carrying a firearm. SB 56 provides a definition; clarifies language; and makes minor technical changes. SB 56 relates to HB 62 and SJR 5.

Analysis

Senate Bill 56 (SB 56) amends Unlawful Carrying Of A Deadly Weapon, Section 30-7-2. NMSA 1978. SB 56 removes language stating it is unlawful to carry a concealed loaded firearm or any other type.

SB 56 provides new language stating a person eighteen years of age or older, and not prohibited by federal or state law or court order from possessing or carrying a firearm, may carry a loaded concealed handgun without the issuance of a Concealed Handgun License, issued pursuant to the Concealed Handgun Carry Act.

SB 56 states that the specified imitations in the Concealed Handgun Carry Act regarding the carrying of a concealed handgun will apply to the person, as if the person had been issued a license pursuant to the Concealed Handgun Carry Act.

SB 56 states this act does not prevent the carrying of any unloaded firearm.

SB 56 relates to HB 62 and SJR 5.

SB60
UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS

Wirth, Peter

Position: Neutral  Priority: Watch List

Scheduled:2/13/2017
Link to bill on nmlegis.gov

Synopsis

Senate Bill 60 (SB 60) enacts the Revised Uniform Fiduciary Access to Digital Assets Act. It makes conforming technical amendments to the Uniform Probate Code.

The Courts, Corrections and Justice Committee requested the introduction of SB 60.

Analysis

Senate Bill 60 (SB 60) enacts the Revised Uniform Fiduciary Access to Digital Assets Act. It contains a detailed definition section with twenty-seven terms ranging from account to will. SB 60 will apply to a fiduciary, personal representative, conservator or trustee action on or after 1 July 2017. It also applies to a custodian if the user resides in the state or resided in the state at the time of the user’s death. SB 60 does not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

SB 60 provides directions for disclosure of digital assets whether by an online tool or through a will, trust, power of attorney (POA) or other record. If the user has the ability to modify or delete a direction online at all times than the online tool overrides a contrary direction by the user in a will, trust, POA or other record. A user may allow, limit or prohibit digital access through a will, trust, POA or other record. Such directions will also override contrary provisions in a terms-of-service agreement that does not require the user to act affirmatively and distinctively from the user’s terms of service.

SB 60 affirms that this act will not change or impair a right of a custodian or user under a terms-of-service agreement to access and use digital assets of the user. Nor does it give a fiduciary or designated recipient any new or expanded rights other than held by the user or the user’s estate. A user, federal law or a terms-of-service agreement may modify or eliminate a fiduciary's or designated recipient's access to digital access if the user has not provided direction under Section 4 of this act.

It grants the custodian sole discretion to disclose digital assets of a user under SB 60. It does not require the custodian to disclose digital assets that the user deleted nor does it require the custodian to reveal some of the assets if the segregation of the assets would impose an undue burden on the custodian. SB 60 provides for the custodian or fiduciary to seek a court order to disclose under certain circumstances. It allows a custodian to assess a reasonable administrative charge for the cost of disclosing digital assets.

SB 60 provides for disclosure of the content of electronic communication of the user to the personal representative of an estate if the deceased user consented to or a court directs disclosure. It requires the personal representative to provide the custodian certain documents, such as a certified copy of the death certificate and a certified copy of the letters of
administration or letters testamentary of the personal representative or a small estate affidavit. The custodian may require additional information from the personal representative or specific findings by the court.

The bill also provides for disclosure of other digital assets of the principal in the form of a catalogue to an agent with specific authority over digital assets or general authority to act on behalf of the principal unless there is a contrary court order, direction by the principal, or provision in a POA. It requires documentation similar to that provided by the personal representative to prove the authority of the agent.

It requires disclosure to an agent who has a POA that expressly grants an agent authority over the content of the electronic communications sent or received by the principal unless otherwise directed by the principal or a court order. SB 60 too requires the agent to provide the custodian with certain documents indicating the authority claimed under the POA. It allows for disclosure of other digital assets in the form of a catalogue. SB 60 establishes different requirements for disclosure of contents of electronic communication held in trust to a trustee who is an original user of an account and to a trustee who is not an original user. In the latter case, it requires the trustee to provide the custodian with documents similar to those required by an agent or personal representative when requesting the contents of electronic communication. SB 60 provides for procedures for these non-original user trustees to obtain other digital assets than the electronic communication.

SB 60 requires a court hearing for a conservator to have access to the digital assets of a protected person. It requires the custodian to provide these records, but as in the other subsections, the conservator will have to provide certain documents to the custodian.

SB 60 clarifies the duties of a fiduciary under the act are the same as for a fiduciary managing tangible property. A fiduciary or designated recipient’s authority may be limited by the applicable terms of service, applicable law and the scope of duties stated. It provides that a fiduciary with authority over the property of a decedent, protected person, principal or settlor has the right to access any digital asset in which that person had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement. It clarifies that a fiduciary acting within the scope of the fiduciary’s duties is an authorized user for purpose of computer-fraud and unauthorized-computer-access laws. It allows a fiduciary to terminate an account under certain conditions and allows disclosure by the custodian to the fiduciary of information that is necessary to terminate an account. SB 60 allows the custodian to require certain documentation in this circumstance.

SB 60 requires a custodian to respond to a request for digital access from a fiduciary or personal representative within sixty days of receipt of the information required from that fiduciary or personal representative under the act. It grants the fiduciary or personal representative the right to apply for a court order directing compliance. It allows the custodian to notify a user of the request for disclosure or termination and gives certain specific circumstances under which a custodian may refuse such a request. It allows the custodian to obtain a court order that contains certain findings before disclosure or termination. SB 60 grants immunity for an act or omission by a custodian and its officers, employees and agents when done in good faith in compliance with this act.

SB 60 modifies, limits or supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

SB 60 amends Section 45-3-711 NMSA 1978 to allow a personal representative access to and authority over a digital asset of the decedent to the extent provided by the act. It makes other technical change including limiting creditors to those whose claims have been allowed.

SB 60 would be effective 1 January 2018.

The Courts, Corrections and Justice Committee requested the introduction of SB 60.

SB78
PRIVATE EMPLOYER CONVICTION INQUIRIES

O'Neill, Bill B.

Position: Oppose Priority: Low

Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

Senate Bill 78 (SB 78) prohibits private employers from inquiring about an applicant's conviction on an initial employment application.
Analysis

Senate Bill 78 (SB 78) amends Section 28-2-1 NMSA 1978 (Criminal Offender Employment Act) by prohibiting private employers from asking about an applicant’s conviction on an initial written job application form. The employer may take the conviction into account after reviewing the applicant's written application and upon discussion of employment with the applicant. Nothing in this section will prohibit an employer from notifying an applicant that the law or the employer's policy could disqualify an applicant who has a certain criminal history from employment in particular positions with that employer.

SB110
LOWER RIO GRANDE WATER WORKS RIGHTS & LIENS

Cervantes, Joseph

Position: Neutral Priority: Watch List

Synopsis

Senate Bill 110 (SB 110) amends provisions relating to combining and commingling of water rights within the Lower Rio Grande Public Water Works Authority, and provides for utility charges of the Lower Rio Grande Public Water Works Authority as a lien against property served.

Analysis

Senate Bill 110 (SB 110) amends Section 73-26-1 NMSA 1978 relating to the Lower Rio Grande Public Water Works Authority (Authority) in two ways. First, SB 110 provides that if another entity merges with the Authority, and the service area of that entity is contiguous with that of the Authority, then the water rights will be combined and commingled. Second, SB 110 creates a new a process that allows the Authority to file a lien on property for nonpayment of money owed. Information of the notice of lien must be filed with the appropriate county clerk. The Authority has the power to foreclose and release liens, and may file multiple charges or assessments against one owner and one lawsuit to collect on multiple liens. SB 110 allows for an interest rate of twelve percent on amounts owed from the filing of the notice of the lien. The bill protects innocent purchasers and certain creditors, unless the notice of lien has been filed with the county clerk. The bill further establishes how proceeds from foreclosure sales shall be spent: a water authority lien takes first priority subject only to liens by the federal, state, county or municipal taxes and costs of sale including notice.

SB143
NM INFRASTRUCTURE INVESTMENT ACT

Padilla, Michael

Position: Neutral Priority: Watch List

Synopsis

Senate Bill 143 (SB 143) enacts the New Mexico Infrastructure Investment Act which allows state and local governments to enter into partnerships with private partners to facilitate public projects.

Analysis

Senate Bill 143 (SB 143) enacts the New Mexico Infrastructure Investment Act (Act). This Act allows state and local governments to enter into public-private partnerships. A public-private partnership is a contractual agreement formed between public and private sector partners, for the design, development, financing, construction, operation or maintenance of a public project. A public project includes buildings (except affordable housing pursuant to the Affordable Housing Act) that meet a public purpose; utilities, telecommunications ancillary to the development of a public project, infrastructure needed to conserve
natural resources or generate utility savings; projects that involve conservation of natural resources; generation of utility savings; habitat or environmental restoration; recycling or solid waste facilities that produce electric energy; or necessary improvements to unimproved public real estate.

SB 143 further provides that:
A variety of project delivery methods for public-private projects are acceptable, including design-build, design-build-finance agreements, or construction manager at risk.
A public partner may procure a project using a request for proposals, solicitations, best-value selection, or even through an unsolicited proposal.
The public partner must consider many factors in evaluating proposals, such as requiring specific justification and support for a proposal that may affect public employees’ employment or the cost of the public service delivery.
The public partner may consult with experts to assist in the evaluation and negotiation of a public-private partnership.
Projects falling under this Act are subject to the resident preferences of the Procurement Code, and the construction of a public project is subject to minimum wage and fair practice laws. The Act provides that a project cannot be approved which replaces an existing public employee, unless that employee is offered alternative equivalent employment.
The General Services Department (GSD) must develop a set of guidelines to implement the Act. GSD may consult with experts in reviewing such agreements.
The GSD must review and approve all public-private partnerships whose cost is more than $50,000,000 or whose term is longer than 35 years. In evaluating these projects, GSD must consider certain factors (needs of the community, cost, risks, use of New Mexico labor and materials, etc).
Public-private partnerships allow the public or the private partner to collect user fees, rents, advertising, sponsorship charges, or other charges. User fees can be enforced using cameras to identify users of fees owed.
Public-private projects may allow for the acquisition of publicly owned real property.
Private partners may be required to provide performance and payment bonds for construction projects, or parent company guarantees for projects not involving construction.
Projects may not be for longer than 50 years, unless extended for additional terms.
Funding for public-private contracts may be funded through revenue bonds, grants, user fees, etc.
When a public-private partnership agreement ends, the public partner may choose to continue or end the imposition of user fees.
If a public-private partnership is terminated, the project reverts to the public except for any obligations that the private partner still has.
Utility facilities must cooperate with such projects, including potentially being relocated or being crossed by the project.
The Act creates a petty misdemeanor offense for those who fail to pay a user fee while using the property of a public project.
SB 143 is effective July 1, 2017.

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**SB166**

**STATE EMPLOYEE LOAN REPAYMENTS**

Ortiz y Pino, Jerry

**Position:** Neutral  **Priority:** Watch List


Scheduled: Not Scheduled at this time.

[Link to bill on nmlegis.gov](http://nmlegis.gov/)

**Synopsis**

Senate Bill 166 (SB 166) allows a state employee to have certain loan repayments be paid directly out of their salary or wages.

**Analysis**

Senate Bill 166 (SB 166) amends Section 10-7-2 NMSA 1978 to allow state employees to have certain loan repayments be paid directly out of their salary or wages. The bill specifically requires that:

The employee may elect to have a portion of their salary be sent directly to a qualified lender to repay a loan. A qualified lender is a loan company licensed to, or exempted from, the New Mexico Small Loan Act of 1955.
The repayment amount must not exceed 12% of the employee’s gross pay.
The employee cannot be charged for this service.
The state does not provide any of the loan principal, take on any risk for the loan, or is involved in any loan approval decision.
The annual percentage rate of the loan must not exceed 30% plus the U.S. prime interest rate at the time of the loan.
SB 166 is effective July 1, 2017.

**SB196**  
**SMALL BUSINESS INVESTMENT TAX CREDIT**  
Campos, Pete  

**Position:** Neutral  
**Priority:** Watch List  

[4] SCORC/SFC-SCORC  
Scheduled: Not Scheduled at this time.  

**Synopsis**  
Senate Bill 196 (SB 196) creates the Small Business Investment Income Tax Credit.  

**Analysis**  
Senate Bill 196 (SB 196) enacts a new section of the Income Tax Act, Chapter 7, Article 2 NMSA 1978 and creates the Small Business Investment Income Tax Credit (Credit) for taxpayers who are not a dependent of another taxpayer, is an accredited investor who makes a qualified investment can claim a credit not to exceed 25% of not more than $250,000 of the investment against the taxpayer’s tax liability.  

The Credit’s conditions:  
1. A limit of five qualified investments in a taxable year; and the credit made in the same or successor company is limited to three taxable years;  
2. The Credit may be claimed no later than one year, but not after December 31, 2023;  
3. The Credit may not be claimed in the same year as credits authorized the Investment Credit Act, the Technology Jobs and Research and Development Tax Credit Act;  
4. The taxpayer must apply for certification of the Credit from the Economic Development Department (EDD);  
5. EDD may issue certificates of eligibility in a calendar year not to exceed 2 million dollars and applications will be processed in the order they are received; as necessary, those applications that would have been certified in the calendar year, except for the limit, may be certified in subsequent years;  
6. The taxpayer presents the approved certificate to the Taxation and Revenue Department (TRD) who determines the amount of Credit;  
7. If the Credit exceeds the taxpayer’s tax liability, the Credit may be carried forward for five consecutive tax years;  
8. Married individuals filing separate returns may each claim only one-half of the Credit; and  
9. The Credit may be allocated in proportion to the taxpayer’s ownership of a business;  

The EDD will report annually to the Revenue Stabilization and Tax Policy Committee and the Legislative Finance committee on the utilization and effectiveness of the Credit. The report must contain the number of accredited investors, names of investors, amount of credit, and names of businesses that had been invested. The report will evaluate of the Credit as an incubator for new businesses in the state and the viability of the businesses in which investments were made.  

SB 196 includes a definition section: accredited investor, business, equity, qualified business, and qualified investment.  

The provisions of SB 196 are effective taxable years beginning on or after January 1, 2017.  

**SB202**  
**FORFEITURE CHANGES**  
Ivey-Soto, Daniel  

**Position:** Neutral  
**Priority:** Watch List  

Scheduled: Not Scheduled at this time.  

**Synopsis**  
Senate Bill 202 (SB 202) revises definitions and procedures related to forfeiture proceedings. It provides for distribution of proceeds from the sale of forfeited or disclaimed property and for destruction of certain seized property. SB 202
revises procedures related to storage, transfer and destruction of seized property and reporting requirements. It makes an appropriation and declares an emergency.

Analysis

Senate Bill 202 (SB 202) amends Section 31-27-3 NMSA 1978 of the Forfeiture Act by deleting the definition for abandoned property and actual knowledge; creating a definition for disclosed property and knowledge; and modifying …property subject to forfeiture… to include property subject to forfeiture by a local ordinance. It modifies Section 31-27-4 and 31-27-7 NMSA 1978 to reflect this change in the latter definition and Section 31-27-7 NMSA 1978 to reflect the addition of the term disclosed property. It also makes a technical change to 31-27-7 NMSA 1978.

It makes clarifying amendments to Sections 31-27-2, 31-27-4, 31-27-5, 31-27-6, 31-27-7, and 31-27-7.1 NMSA 1978 and specifies in all but the first section listed here that a law enforcement agency will undertake the necessary actions under that relevant section.

SB 202 amends Section 31-27-4.1 NMSA 1978 to change the period of time in which to request a writ of replevin from sixty days prior to a related criminal trial to the one-hundred-twentieth day following the filing of the forfeiture action in court. It clarifies that it is a law enforcement agency that is responsible for taking action under the Forfeiture Act. It clarifies that a court will grant a claimant’s motion for the return of property seized without a court order or when the property is the only reasonable means for the defendant to pay for legal representation in a related case if the law enforcement agency did not make a prima facie showing that the property was stolen or proceeds from an instrumentality of a crime. SB 202 also amends this section by establishing an in camera accounting procedure when a court may use its discretion to order the return of money or property sufficient for a defendant to obtain legal counsel.

It amends Section 31-27-5 NMSA 1978 to modify the notice requirements when there is a complaint of an ancillary forfeiture proceedings to delete the requirement of notice by publication in a newspaper of general circulation.

SB 202 amends Section 31-27-6 NMSA 1978 so that the time period for a person whose property was forfeited is limited to the time period for filing an appeal following the conclusion of a forfeiture proceeding. It eliminates consideration of the value of the property to the defendant, including hardship, if the property is forfeited.

It amends 31-27-7 NMSA 1978 to specify how the proceeds from an auction for forfeited or disclosed property will be distributed so that storage, protection, transfer or disposal costs will be paid before the remainder is deposited into the General Fund. It allows for disclosed property to be disposed of under this section but otherwise subject to provisions in Chapter 29 Article 1 NMSA 1978 (Peace Officers in General). It establishes conditions for the disposal of disclosed property when it is in a law enforcement agency’s possession and there has been no conviction.

SB 202 amends Section 31-27-7.1 NMSA 1978 so that a law enforcement agency may destroy firearms, ammunition or explosives subject to forfeiture under the protections established in this section and not returned to an innocent owner.

SB 202 amends Section 31-27-9 NMSA 1978 to require a report to be filed within sixty days following the conclusion of each Fiscal Year and to include seizures and forfeitures under applicable state law (not just the Forfeiture Act) and local ordinances. It requires additional information in these reports including certain costs, any proceeds received, and case identification and final disposition of the case.

It provides for more objective criteria in determining when a transfer of seized property to the federal government is required under Section 31-27-11 NMSA 1978. It allows for sharing information and cooperation and participation in equitable sharing programs with the federal government with certain conditions and limitations.

SB 202 provides for the disposal of abandoned property that is the possession of a law enforcement agency or the state treasurer on the effective date of this act under Section 29-1-14 NMSA 1978.

The provisions of this act will be applicable to seized or disclosed property in the possession of a law enforcement agency or state treasurer on or after the effective date of this act.

SB 202 declares an emergency.

SB211
LIQUOR DISPENSER LICENSE PRIVILEGE LEASES

Griggs, Ron

Position:  Oppose  Priority:  Watch List

Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

Senate Bill 211 (SB 211) enacts a new section of the Liquor Control Act to allow certain dispenser licensees to lease a privilege granted by their licenses. It addresses lessor and lessee liability and requires rules. It amends sections of the Liquor Control Act.

Analysis

Senate Bill 211 (SB 211) enacts Section 60-6A-3.1 NMSA 1978, a new section of the Liquor Control Act (Section 60-3A-1 et seq. NMSA 1978). It allows dispenser licensees who sell alcohol by the drink for consumption on the licensed premises to lease to one other person the privilege of selling alcoholic beverages in unbroken packages for consumption, not for resell, off the licensed premises provided the location of the lessee’s premises is at a site approved by the director and at a location outside the local option district of the dispenser-lessor. SB 211 allows for a dispenser of packaged alcohol to lease to one other person the privilege of selling alcohol by the drink with the same conditions as above. This section does not apply to a dispenser’s license that has been transferred outside the local option district. SB 211 provides that a governing body may approve these partial leases. It prohibits the location of these partial leases in a class B county having a population of between seventy-one thousand (71,000) and seventy-two thousand people (72,000); and any municipality located within those class B counties; and any municipality or county that prohibits by election the transfer of a license from another local option district.

SB 211 requires the director to promulgate rules and forms to implement the provisions of this section no later than 1 November 2017. It shields the dispenser-lessor from liability from the actions of a lessee of such a partial lease unless the dispenser-leasor had actual knowledge and took no reasonable action to prevent or mitigate the violation. Such intent requires proof by a preponderance of the evidence.

SB 211 amends Section 60-6A-1 NMSA 1978 to allow a wholesaler to sell or offer for sale alcoholic beverages to the lessee or partial lessee of a license pursuant to provisions under the Liquor Control Act.

It makes changes to Section 60-6A-3 NMSA 1978 that will conform to the provisions in the proposed Section 60-6A-3.1 NMSA 1978.

SB 211 amends Section 60-6B-4 NMSA 1978 to include notice and approval by the governing body for a partial lease subject to the provisions of this section before the director may approve such a lease.

It amends Section 60-7A-12 NMSA 1978 to make it a violation to sell or possess for purpose of sale any alcoholic beverages at a location or place other than the premises used under a partial lease.

SB 211 would be effective 1 July 2017.

SB212
FILING DUPLICATE INSTRUMENTS OF WRITING

Griggs, Ron

Position: Support Priority: Moderate

[4] SPAC/SJC-SPAC
Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

Senate Bill 212 (SB 212) amends how to file and record duplicate copies of an instrument of writing when the original is not available.

Analysis

Senate Bill 212 (SB 212) amends Section 14-8-4 NMSA 1978 of the Recording statutes by changing the requirements for filing and recording duplicate copies of instruments of writing. The bill removes the ability to file and record, to the same extent as the original, a duplicate of an instrument of writing. The bill adds the new process of filing and recording a copy of an instrument if the original is unavailable: one must present an accompanying document that provides the name, phone number and address of the person filing and recording the copy that explains why the copy is being filed instead of the original, and the person must acknowledge that the copy is a true copy of the original.

SB215
ENERGY & WATER PROJECT FINANCING

Wirth, Peter

Position: Oppose  Priority: Moderate

Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

Senate Bill 215 (SB 215) amends, repeals, and enacts sections of the Renewable Energy Financing District Act (Act). SB 215 enables efficiency, storage, and water conservation improvements to be financed with special assessments. SB 215 changes the priority of liens under the Act.

Analysis

Senate Bill 215 (SB 215) expands renewable energy sources to include energy storage, improvements to the efficiency of structures and water conservation by amending Section 5-18-2 NMSA 1978 subject to the provisions of the Renewable Energy Financing District Act (Act).

A definition for assessment contract, a contract to provide financing for an energy improvement of water conservation in exchange for a property owner’s agreement to pay an annual assessment, is added to the Act. SB 215 states it is necessary to authorize alternative financing procedures to promote the installation of renewable energy, energy storage, energy efficiency, and water conservation improvements by owners of commercial, residential, agricultural, and other real property. Debt service is expanded to include financial instruments in addition to bonds. SB 215 removes reference to elections and elected directors serving on the board of a financing district. Efficiency improvement is defined as modifications designed to reduce energy consumptions or energy-related operating costs. Energy improvement, energy storage improvement, and water conservation improvement are added to the definitions section. SB 215 specifies that the resolution must contain that only energy improvements and water conservation improvements will not exceed 20% of the total amount to be financed under the Act, Section 5-18-5 NMSA 1978. The resolution must provide a contract form for assessment contracts between the district, owner of the qualifying property, and if applicable, a third-party lender. Additionally items in the resolution specify the application process and eligibility requirements, statement that the district will only finance improvements with reasonably estimated economic benefits are equal to or greater than the principal cost improvement less the estimated cost of a similar improvement and less property value increase. The assessment contract must provide for the repayment of all fees, costs and expenses through annual assessments.

SB 215 provides conditions for a tax lien if payments of the special assessment are not paid. Only the amounts of schedule payment and collection cost have priority over a first lien mortgage. Payment of an obligation of the Act may not be accelerated and is not subject to an enforceable accelerated claim or lien. The special assessment will not limit the property owner’s rights to transfer the property, however, the property will remain encumbered. In the event of sale, or foreclosure, the special assessment will remain with the property until paid. The buyer assumes the obligation. The special assessment and assessment contract must be recorded with the county clerk. SB 215 provides for districts to raise capital to fund energy improvements and water conservation improvements from third-party lenders or permit owners to finance improvements by entering into property assessed clean energy financing directly with third-party lenders. Third-party lenders are entitled to the full benefits of the provisions of the Act. Loans may be secured by special assessment liens in favor of the lender, just as for districts provided that districts do no have a repayment obligation.

A new section of the Act provides for regional districts of two or more municipalities and/or counties through joint powers agreements (JPA). The JPA must require that each entity pass an identical resolution creating the regional district and each bond issuance. Regional districts have the same power pursuant to the Act, except as limited by the JPA and state constitution. The JPA must provide for the formation of a board for the regional district.

SB 215 enacts a new section of the Act charging the Energy, Minerals, and Natural Resources Department with adopting necessary rules by April 1, 2018 to implement the Act. Model ordinances and resolutions for the creation of districts must be included.

SB 215 repeals Section 5-18-10 NMSA 1978, the election of the district board.

SB280
EMPLOYEE CREDIT INFO PRIVACY

Tallman, Bill

Position: Oppose  Priority: Watch List
Synopsis

Senate Bill 280 (SB 280) prohibits certain employers from discriminating against any person based on credit information by creating the Employee Credit Information Privacy Act. SB 280 provides a remedy in the case of violations.

Analysis

Senate Bill 280 (SB 280) creates the Employee Credit Information Privacy Act (Act) and amends Section 28-1-7 NMSA 1978. SB 280 defines consumer reporting agency and credit information. Credit information is communication prepared by a consumer reporting agency regarding a person’s creditworthiness, credit standing or capacity. The Act prohibits an employer from demoting, promoting, or discriminating in regards to compensation or conditions of employment against an employee based on the employee’s credit information. A prospective employer is barred from refusing to recruit or interview a prospective employee based on that person’s credit information. SB 280 provides a remedy for those who claim violations. Civil action may be taken to obtain relief and/or damages.

SB 280 declares that it as an unlawful discriminatory practice for the following if based on credit information:
Employment decisions by employers;
Exclusion or expelling of members by labor organizations;
Refusal to admit or employ persons in apprenticeships or training by employers, labor organizations, or joint apprenticeship committees;
Expression of limitation by any person, employer, employment agency, or labor organization;
Refusal to list or refer a person for a position by an employment agency unless based on an actual occupational qualification; and
Withholding of service by any person in public accommodation.

SB 280 does not make the following practices discriminatory if based on credit information:
Sale, rent, lease of housing accommodations or sale of real property;
Conditions, terms, or privileges of any housing accommodation, real property, or in the provision of facilities or services;
Expression of preference in advertisements and application for purchase rent, lease of housing or sale of real property;
Application, granting, withholding, extending, or setting terms for financial assistance for the acquisition, construction, rehabilitation, or maintenance of housing, real property, or for consumer credit; and
Use of any form of application for financial assistance.

SB 280 makes conforming changes to Section 28-1-7 NMSA 1978.

The effective date of the provisions in SB 280 is July 1, 2017.

SB296
USE OF NATIONWIDE MORTGAGE LENDING SYSTEM

Sharer, William E.

Position: Support Priority: Watch List

Synopsis

Senate Bill 296 (SB 296) enacts new sections of the Collection Agency Regulatory Act and the Motor Vehicle Sales Finance Act. SB 296 provides for the use of the Nationwide Mortgage Licensing System and Registry to receive and process applications for licenses. SB repeals a section of the Collection Agency Regulatory Act.

Analysis

Senate Bill 296 (SB 296) amends Section 58-19 NMSA 1978 by defining the Nationwide Mortgage Licensing System and Registry (NMLSR) as a licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators to manage mortgage licenses and other financial services licenses. SB 296 removes the requirement that sales finance companies must display a license. Applicants for a license will apply using a form created by the director of the Financial Institutions Division of the Regulation and Licensing Department (director). The director may establish contracts with the NMLSR to collect and maintain records.
and process transactions fees related to licenses issued relative to the Motor Vehicle Sales Finance Act. Applicants for licenses must submit information to the NMLSR to establish identity including personal history and experience and authorization for the NMLSR and the director to obtain information related to administrative, civil, or criminal findings. The director may use the NMLSR for requesting and distributing information as allowed by the act.

Applicants for licenses under the College Agency Regulatory Act (CARA) will apply on a form developed by the director. The director may use the NMLSR to collect and maintain records and process transactions fees related to licensees issued under the CARA. Applicants for licenses must submit information to the NMLSR to establish identity including personal history and experience and authorization for the NMLSR and the director to obtain information related to administrative, civil, or criminal findings. The director may use the NMLSR for requesting and distributing information as allowed by the CARA.

Applicants for an original license issued under the CARA for the period July 1, 2018 to December 31, 2018 will pay one-half the original license fee found in 61-18A-30 NMSA 1978. Licenses issued after December 31, 2018 will be equal to the amount in Section 61-18A-30 NMSA 1978. The director will establish applications for a collection agency license. Information may include background checks; civil or administrative records; credit history; and other relevant information as necessary. Managers of licensed collection agencies must be licensed. The manager must renew the license by November 30 of each year (currently May 31) and the license will expire on January 1 instead of June 30.


The provisions of this act is July 1, 2017.

**SB330**

**MORTGAGE FORECLOSURE DEFICIENCY JUDGMENTS**

Stewart, Mimi

**Position:** Oppose  **Priority:** Moderate

[9] SCORC/SJC-SCORC

Scheduled: Not Scheduled at this time.

Link to bill on nmlegis.gov

Synopsis

Senate Bill 330 (SB 330) prohibits deficiency judgments in certain mortgage foreclosures.

Analysis

A deficiency judgment arises when the sale of a foreclosed property does not cover the outstanding mortgage. A new section of Chapter 39, Article 5 NMSA 1978 prohibits a deficiency judgment in a foreclosure action on a home loan if:

- The debtor occupies the property subject to foreclosure;
- The foreclosure is on the primary residence of the debtor; and
- The debtor occupied the residence for a minimum of 120 days.

SB 330 allows a deficiency judgment against a debtor for any loss of value if the debtor damages the property beyond normal wear or for removal of structures or fixtures.

The provisions of SB 330 apply to foreclosure proceedings instituted on or after July 1, 2017.

**SB338**

**STATEWIDE BROADBAND NETWORK**

Ivey-Soto, Daniel

**Position:** Support  **Priority:** Watch List


Scheduled: Not Scheduled at this time.

Link to bill on nmlegis.gov

Synopsis

Senate Bill 338 (SB338) provides for a statewide broadband network established by the chief information officer (Secretary of Information of Technology).
Analysis

Senate Bill 338 (SB 338) charges the chief information officer (CIO, also known as the Secretary of Information Technology) with coordinating the development of and maintaining a statewide broadband network. The CIO must apply for reimbursements from the Federal Universal Service Fund, Section 254 of the Telecommunications Act of 1996, 47 U.S.C. 254 on behalf of state agencies, political subdivisions, educational institutions, and Indian nations, tribes, and pueblos that request to be included in the network. The CIO, in partnership with the Public Education Department, the Higher Education Department, state universities, other education institutions, and the public school facilities authority will develop a multipurpose, high-capacity, scalable telecommunications and broadband network no later than June 30, 2019. Funding will be allocated to network partners who contribute to the implementation of the statewide education network on a fee-for-service basis pursuant to the Public School Capital Outlay Fund.

The contractual arrangements with providers must meet the demands of the entities. The network will provide access to a reliable and affordable infrastructure capable of carrying a spectrum of services and applications, including distance education. The CIO will provide voluntary access to each school district, community college, state college, and four-year university at the earliest, feasible date. Access may be provided through educational units or other points. The CIO will establish costs for participants, based on actual costs, including necessary administrative expenses but not administrative travel or conference expenses. The CIO will adopt technical standards for connection.

SB 338 provides for Indian nations, tribes, and pueblos to connect to the network in exchange for a right-of-way agreement with the CIO.

SB 338 is closely related to HB 113.

SB 356
NOTIFICATION OF PUBLIC IMPROVEMENT DISTRICTS
Rodriguez, Nancy

Position: Neutral  Priority: Watch List

[9] SCORC/SJC-SCORC
Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

Senate Bill 356 (SB 356) requires that the county treasurer be notified when a Public Improvement District is formed.

Analysis

Senate Bill 356 (SB 356) adds the county treasurer to the county assessor, the Taxation and Revenue Department, and the Local Government Division of the Department of Finance and Administration to those that the local governing body must notify when a Public Improvement District is formed.

SB 356 makes technical changes in references to statutes.

The effective date of SB 356 is July 1, 2017.

SB 356 is related to SB 67, which requires that a county treasurer be notified when a Tax Increment Development District is formed.

SB 367
INSURANCE CODE CHANGES
Leavell, Carroll H.

Position: Neutral  Priority: Watch List

[10] SCORC/SJC-SCORC
Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis
RELATING TO INSURANCE; AMENDING SECTIONS OF THE NEW MEXICO INSURANCE CODE; AMENDING REQUIREMENTS RELATED TO EXAMINATION REPORTS AND INVESTIGATORY HEARINGS; CHANGING ANNUAL FINANCIAL STATEMENT FILING PENALTIES; ENACTING A SEVERABILITY SECTION TO THE RISK-BASED CAPITAL ACT; REMOVING STOP-LOSS INSURANCE FROM THE LIST OF ACCIDENT AND HEALTH INSURANCE PRODUCTS; ALLOWING ACCIDENT AND HEALTH INSURERS TO WRITE STOP-LOSS INSURANCE; ALLOWING CASUALTY INSURERS TO CONTINUE TO WRITE ACCIDENT AND HEALTH INSURANCE; REVISING VARIOUS REQUIREMENTS RELATED TO SURPLUS LINES INSURANCE; ALLOWING INSURERS TO PAY CLAIMS BY ELECTRONIC FUND TRANSFER; AMENDING THE INSURANCE FRAUD ACT TO ESTABLISH A FEE PAYMENT DEADLINE AND LATE PAYMENT PENALTY; INCLUDING STUDENT HEALTH POLICIES WITHIN PROVISIONS RELATING TO INDIVIDUAL HEALTH INSURANCE; REMOVING STUDENT HEALTH PLANS FROM THE LIST OF BLANKET HEALTH INSURANCE PRODUCTS AND FROM THE LIST OF PRODUCTS THAT ARE NOT MANAGED HEALTH CARE PLANS; EXTENDING THE SUPERINTENDENT OF INSURANCE'S REVIEW PERIOD FOR MARKETING MATERIALS AND FOR CREDIT LIFE AND CREDIT HEALTH PRODUCT FILINGS; REPEALING THE SURPLUS LINES INSURANCE MULTISTATE COMPLIANCE COMPACT.

Analysis

**SB377**
CHECK CASHING THRESHOLD REVENUE REQUIREMENT

Munoz, George K.

**Position:** Neutral  **Priority:** Watch List

[10] SPAC/SCORC-SPAC
Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

Senate Bill 377 (SB 377) increases the threshold amount of revenue earned from check cashing services that requires a person to be licensed.

Analysis

Senate Bill 377 (SB 377) modifies section 58-32-301 NMSA 1978 by requiring persons to become licensed under the Uniform Money Services Act if the amount of revenue from check cashing services in a 30-day period is $2,500. The current threshold is $500.

The effective date of the provisions of SB 377 is July 1, 2017.

SB 377 is related to HB 276, which increases the threshold amount of revenue earned from check cashing services for licensure from $500 to $2,000. HB 276 reduces the application and licensure fees.

**SM20**
RECOMMEND BUSINESS GROWTH LEGISLATION

Stefanics, Elizabeth

**Position:** Neutral  **Priority:** Watch List

Scheduled: Not Scheduled at this time.
Link to bill on nmlegis.gov

Synopsis

Senate Memorial 20 (SM 20) requests business groups to recommend legislation to make doing business in New Mexico easier and to encourage growth.

Analysis
Senate Memorial 20 (SM 20) recognizes the importance of entrepreneurship and homegrown businesses in improving the standards of living in communities, create jobs, and generate wealth. SM 20 expresses the legislature’s interest in the health of the economy, the success of small businesses, and the creation of jobs and of receiving recommendations to improve the economy. In SM 20 the Senate requests that various business groups develop and recommend statutory changes that make New Mexico business-friendly and encourage business growth. SM 20 calls for representatives from the New Mexico Association of Commerce and Industry, the New Mexico Council of Governments, Chambers of Commerce, the Economic Development Department and other groups representing the child care, energy and hospitality industries be requested to develop and recommend statutory changes. SM 20 requests that business groups convene forums and unify their recommendations and report them to the appropriate interim legislative committee by November 2017.

SM25
SUPPORT RESTORATION OF GLASS-STEAGALL ACT

Soules, William

Position: Neutral  Priority: Watch List

Synopsis

Senate Memorial 25 (SM 25) requests the New Mexico Congressional Delegation in Washington, D.C. support the adoption of an American economic recovery policy, with efforts to restore the provisions of the Glass-Steagall Act with a national banking system and credit policies to finance important infrastructure projects and industry, and to rebuild the nation’s space program and the development of fusion power.

Analysis

Senate Memorial 25 (SM 25) points out, according to the Office of the Comptroller of the Currency, the financial system in the United States is now holding over two hundred seventy-five trillion dollars of derivatives contracts in federally insured banks, (which contributed to the financial collapse of 2008), which now threaten a new financial crisis driven by a collapse of the United States' industry and infrastructure, and with national gross domestic product experiencing very slow growth since 2008 with total factor productivity exhibiting low rates not seen in decades and falling, returning to long term recovery would be facilitated by the adoption of national banking and credit policies, similar to those that were implemented by Alexander Hamilton, John Quincy Adams, Abraham Lincoln, Franklin D. Roosevelt, Dwight D. Eisenhower and John F. Kennedy.

SM 25 relates the federal Banking Act of 1933, also known as the Glass-Steagall Act was law for sixty-six years and prevented banking crises like the one experienced in 2008. The bill would return the nation to a national banking system, modeled on the principles of Alexander Hamilton's first bank of the United States, which built all of the early infrastructure of the nation, and on President John Quincy Adams' second bank of the United States, which oversaw the building of America's railroads, then Abraham Lincoln adopted the same banking principles, which were also in the same federal credit policy embodied in Franklin D. Roosevelt's reconstruction finance corporation, which financed the gigantic infrastructure programs of which New Mexico was a major beneficiary when under the New Deal, countless New Mexico schools, post offices and public buildings were constructed and water, irrigation and power projects undertaken, and also a major research center of the Manhattan project, where the first nuclear devices were developed, by restoring the Glass-Steagall Act's provisions and passing the federal Return to Prudent Banking Act of 2015 (H.R. 381 and S. 1709), and the federal 21st Century Glass-Steagall Act of 2015, which aim to immediately restore the separation of investment and commercial banking, (which was added to the platforms of the Republican and Democratic parties in 2016).

SM 25 promotes an American economic recovery program to allow Congress to immediately enact a new national infrastructure bank, with at least one trillion dollars to three trillion dollars of federally insured credit (not taxpayer money) using the federal credit system to build a modern network of high-speed rail, power-generating systems and water projects that would dramatically help New Mexico and also launch an initiative, similar to that of John F. Kennedy's, to rebuild America's space program for the exploration of the solar system and to inspire future generations and start an effort to develop fusion power at both Sandia and Los Alamos national laboratories, which are researching this energy source.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that the New Mexico congressional delegation be requested to support the passage of an American economic recovery policy to restore the provisions of the Glass-Steagall Act; and

BE IT FURTHER RESOLVED that the New Mexico congressional delegation be requested to support a national banking system and credit policies in the tradition of Alexander Hamilton, Abraham Lincoln and Franklin D. Roosevelt to finance important industry and infrastructure projects; and

BE IT FURTHER RESOLVED that the New Mexico congressional delegation be requested to support rebuilding and investing in the United States' space program and the development of fusion power; and
BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the president of the United States and members of the New Mexico congressional delegation.