2008 NEW MEXICO LEGISLATIVE SESSION FINAL REPORT

Prepared by Capitol Public Affairs LLC for the
American Subcontractors Assn. of New Mexico

The governor's signing of House Bill 199 late last week closed the book on the 2008 legislative session in terms of ASA-NM's interests. Three bills supported by ASA-NM (of the 107 bills that passed the 30-day session) made it to the governor's desk and all three won his approval.

Major and controversial issues like universal health care, domestic partner's rights, Rail Runner funding, declining growth in state revenues and increasing funding demands from state programs took up the lion's share of attention as the Legislature scrambled to give all the bills at least some measure of attention. One ASA-supported measure sat in Senate Judiciary Committee for an agonizing five days before it was heard.

The lawmakers called the session productive and responsible, but the governor vowed to call them back to once again consider his health care proposal. He is now calling for a special session this summer to deal with that issue. Whether he will add other subjects to the agenda remains to be seen.

Below is a listing by fate of each of the bills that ASA followed during the session. As a footnote, it often takes as much time and effort to defeat bad legislation as it takes to pass good legislation.

BILLS PASSED AND SIGNED

House Bill 199 – Repeals the licensing bond required of contractors and puts in place, beginning in July 2009, a "code" bond in the face amount of $10,000 that must be maintained during the three-year duration of CID-issued contractor's licenses. CID could access this bond if code violations discovered in the two-year period following final inspection or issuance of a CO are not voluntarily corrected by the contractor. Per ASA's request, the CID must notify a contractor if the bond terminates or is no longer in effect and give the contractor 40 days in which to obtain another bond.

Senate Bill 281 – Called the Sale of Recycled Metals Act, this measure aims to curb the market for stolen valuable metals such as copper and aluminum. Beginning in January of 2009, a civil fine of up to $1,000 can be levied by the superintendent of the Regulation and Licensing Department against scrap dealers who fail to provide identification information to a central database maintained by the department. Scrap dealers must

prominently display the identification requirements pertaining to both the seller and the vehicle used to deliver the material. The information would have to be preserved and made available on the premises to commissioned peace officers and authorized RLD personnel.

House Bill 126 and Senate Bill 263 – Both measures sought $2 million in funding for apprenticeship training programs. While neither passed, $150,000 was added to the current funding level of $650,000, an increase of 23 percent. This money was incorporated into the general budget bill and the supplemental funding bill. Rep. Richard Berry and Sen. Bernadette Sanchez worked hard to get the additional funding into the budget and worked equally hard to keep it intact.

BILLS THAT FAILED TO PASS

House Bill 62 et al – an assortment of universal health care proposals that ultimately failed to gain the support of legislators very concerned about how to fund it and how to administer it. The governor's bill would have required employers to finance health care for their employees or contribute $500 per head into an alternative coverage fund. The Legislature not only turned down the tax funding, but also stripped the governor of the ability to appoint administrators who would only answer to him.

House Bill 183 – sought the repeal of the subcontractor's bonding requirement on public works projects. Not germane to a short legislative session.

House Bill 255 and Senate Bill 170 – High school vocational training. Focused on construction trades, failed to pass muster in the appropriations committees.

House Bill 281 – Right to Work. Ruled not germane.

House Bill 310 – Would have required "regulatory impact" statements from agencies prior to adoption of new rules and regulations. Failed to clear the House.

House Bill 497 and Senate Bill 463 – Both of these bills were similar to Senate Bill 281 noted above, and failed to move forward once SB 281 was identified as the vehicle for this issue.

House Bill 607 – Sought to create "presumptive causation" in worker's compensation law, a premise that a worker's particular occupation can be automatically presumed to be the cause of a host of ailments and diseases. While focused on professional firefighters, this bill could easily be amended in the future to cover a wide range of occupations. It was tabled by the sponsor due to opposition from the Workers' Compensation Advisory Council, but it will very likely reappear next session.

Senate Bill 36 – Appropriated money to the CID to train "green" building inspectors. Failed to pass Senate Finance Committee.

Senate Bill 57 – Would have established a "regulatory process task force" to see if state executive agencies follow a fair and objective rule-making process. Tabled in the Senate Corporations Committee after strong objections from department secretaries.

SB 493 – Sought to raise the annual income limit for handyman construction contractors. The current limit is $7,200; this measure would have raised it to the income limit imposed by the Social Security Administration. Never heard in committee.

Senate Memorial 36 – Asks for a study of pre-apprentice training. This was related to House Bill 255 sand Senate Bill 170. A memorial does not have the force of law; it simply asks an agency, in this case the Public Education Department, to undertake a study of a particular issue or subject raised by the Legislature.