

# NMBA LEGISLATIVE REPORT

NEW MEXICO BANKERS ASSOCIATION  
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## Volume IX – Monday, March 20, 2017

The 2017 Legislature adjourned at noon on Saturday, March 18 having considered 577 House bills, 538 Senate bills, 50 Joint Memorials, 271 Memorials and 43 Constitutional Amendments during the sixty-day session.

In the final days of the session, the Legislature ultimately approved a \$6.1 billion budget and a \$350 million tax package. Much of the tax bills' revenues will be utilized to balance the 2017-18 state budget. The Governor has threatened to veto the budget and tax package and to call the Legislature back to a special session. She has until April 7 to act on those measures.

The Legislature also agreed to a proposed Constitutional Amendment (House Joint Resolution 8) to create an independent ethics commission. The resolution will be submitted to the voters at the next general election. New Mexico is one of eight states without an independent ethics commission.

The Legislature approved two bills last week which will increase the minimum wage. HB 442 will increase the minimum wage from \$7.50 to \$9.25 an hour. The bill would also prohibit municipalities and counties from enacting ordinances or regulations that regulate the scheduling of privately-employed workers. SB 386 would raise the minimum wage to \$9 an hour. It would also allow employers to pay workers a \$8 training wage for up to 60 days.

The Legislature also agreed to HB 347 which would impose an interest rate cap of 175 percent on certain small loans. The bill would end payday lending in the state. Bills of interest that were approved by both Houses of the Legislation include:

- Uniform Fiduciary Access to Digital Assets Act;

- Increase in Minimum Wage;
- Amendment to Uniform Money Services Act;
- Data Breach Notification Act;
- Usury Caps on Small Loans;
- Uniform Partition of Heirs Property Act;
- Protection of Vulnerable Adults;
- Number of Resident Board Members for State Bank;
- Federal Home Loan Bank Letter of Credit Collateral

Bills of interest that failed to be enacted by the Legislature include:

- Right to Work;
- Combined Corporate Income Tax Reporting;
- Employee Credit Information Privacy;
- Prohibition on Deficiency Judgments;
- Glass-Steagall;
- Income Tax Deduction for Trusts;
- Positive Credit Reporting Mandate;
- Deed of Trust/Home Loan Protection Act revisions;
- Legalization of Marijuana;
- State-owned Bank Study

**Key Date:**

- April 7: Deadline for governor to act on most legislation approved during the 2017 session

The New Mexico Bankers Association will prepare a weekly LEGISLATIVE REPORT throughout the 2017 Legislative Session. When a bill affecting our industry is first introduced, its pertinent provisions will be summarized. Thereafter, any further action taken on the bill will be reflected in subsequent reports. At any time you should desire a copy of a bill or additional information concerning any legislative matter, please direct your inquiry to the NMBA office at (505) 822-7900. To get copies of House and Senate bills online, go to <http://legis.state.nm.us> and then click on ‘bill locator’. For a full text of the governor’s “State of the State” address visit:<http://www.governor.state.nm.us>.



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**Status of Senate Bills and Resolutions Previously Summarized:**

**SB 1: Combined Reporting (Wirth).** Did not pass

**SB 14: Defective Construction Actions (Payne).** Did not pass

**SB 15: Usury (Soules).** Did not pass

**SB 18: Resident Business Set-Aside Act (Padilla).** Did not pass

**SB 41: Solar Market Development Tax Credit (Stewart).** Did not pass

**SB 60: Uniform Fiduciary Access to Digital Assets Act (Wirth).** Passed Senate (41-0); Passed House (62-0)

**SB 78: Private Employee Repayment (O'Neill).** Passed Senate (34-2); Passed House (49-15)

**SB 85: Uniform Environmental Covenants Act (R. Martinez).** Did not pass

**SB 166: State Employee Loan Repayment (Ortiz y Pino).** Did not pass

**SB 199: Reduction of Corporate Income Tax (Smith).** Did not pass

**SB 202: Forfeiture Act (Ivey-Soto).** Did not pass

**SB 211: Liquor Dispenser License Privilege Leases (Griggs).** Did not pass

**SB 212: Public Records (Griggs).** Did not pass

**SB 215: Renewable Energy Financing Districts Act (Wirth).** Did not pass

**SB 255: Crime of Audit Obstruction (Cervantes).** Did not pass

**SB 264: Taxation of Internet Sales (White).** Did not pass

**SB 278: Cannabis Revenue and Freedom Act (Ortiz y Pino).** Did not pass

**SB 280: Employee Credit Information Privacy (Tallman).** Did not pass

**SB 288: Taxes and Surtaxes for Early Childhood Education (Padilla).** Did not pass

**SB 296: Use of Nationwide Mortgage Lending System (Sharer).** Did not pass

**SB 321: Raise Minimum Wage (Campos).** Did not pass

**SB 326: Frontier Community Investment Tax Credits (Campos).** Did not pass

**SB 330: Mortgage Foreclosure Deficiency Judgments (Stewart).** Did not pass

**SB 339: Multiple Source Contract Dollar Limits (Payne).** Passed Senate (38-0); Passed House (60-0)

**SB 342: Community Solar Gardens (Lopez).** Did not pass

**SB 345: Medical Marijuana Tribal Agreement (Shendo).** Did not pass

**SB 350: Agriculture Land Valuations (Wirth).** Did not pass

**SB 356: Notifications of Public Improvement Districts (Rodriguez).** Bill vetoed

**SB 368: Five Percent Biodiesel Standard (Ingle).** Did not pass

**SB 377: Uniform Money Services Act (Munoz).** Did not pass

**SB 382: Local Government Investment Pool Changes (Munoz).** Passed Senate (37-0); Passed House (67-0)

**SB 384: Hospital Billing Guides (Brandt).** Did not pass

**SB 386: Raise Minimum Wage and Allow Trainee Wage (Sanchez).** Passed Senate (24-6); Passed House (41-27)

**SB 388: Installment Loan Fee Limits (Sanchez).** Did not pass

**SB 390: Film Tax Credit "Production Facility" (Steinborn).** Passed Senate (37-2); Passed House (51-11)

**SB 391: Captive Estate Investment Trust Income (Wirth).** Passed Senate (33-0); Passed House (60-0)

**SB 408: Limit Capital Gains Deduction From Income (Wirth).** Did not pass

**SB 414: Disclosure of Tax Refund Loan Fees (Munoz).** Did not pass

**SB 415: Uniformity of Employment Law Terms (Munoz).** Did not pass

**SB 417: Create Business Recruitment Fund (Munoz).** Did not pass

**SB 425: Enhanced Enterprise Zone Act (Sanchez).** Did not pass

**SB 436: Gas and Special Fuels Tax Distribution (Campos).** Did not pass

**SB 438: New Jobs and Investment Tax Credits (Munoz).** Did not pass

**SB 452: Public Use and Eminent Domain (Munoz).** Did not pass

**SB 457: Gross Receipts Tax Changes (Smith).** Did not pass

**SB 467: Right of Redemption for Assignees in Foreclosure Proceedings (Sanchez).** Did not pass

**SB 477: Title Insurance Market Stabilization Act (Stefanics).** Did not pass

**SB 482: Employee Preference Act (Burt).** Did not pass

**SB 488: Uniformity of Employment Law Terms (Burt).** Did not pass

**SJR 3: Funding for Early Childhood Education (Padilla).** Did not pass

**Status of House Bills and Resolutions Previously Summarized:**

**HB 15: Data Breach Notification Act (Rehm).** Passed Senate (68-0); Passed Senate (40-0)

**HB 26: Small Loan Interest Caps (Roybal-Caballero).** Did not pass

**HB 27: Minimum Wage (Roybal-Caballero).** Did not pass

**HB 48: Small Business Income Tax Deduction (Barnes).** Did not pass

**HB 67: Minimum Wage (M. Garcia).** Did not pass

**HB 76: Income Tax Deduction for Trusts (J. Trujillo).** Did not pass

**HB 82: Solar Market Development Tax Credit (McQueen).** Did not pass

**HB 100: Positive Credit Reporting (J. Martinez).** Did not pass

**HB 128: Economic Development-Severance Tax Permanent Fund (C. Trujillo).** Did not pass

**HB 177: Auto Recyclers (Ruiloba).** Did not pass

**HB 180: Revised Uniform Limited Liability Act (Cook).** Did not pass

**HB 181: Uniform Partition of Heirs Property Act (Cook).** Passed House (65-0); Passed Senate (40-0)

**HB 182: UCC-Lost Negotiable Instrument (Cook).** Did not pass

**HB 191: Oil and Gas Emergency School Tax (Larranaga).** Passed House (46-18); Passed Senate (36-5)

**HB 192: Film Production Tax Credit Increase (Ely).** Did not pass

**HB 193: Solar Taxation (Ely).** Did not pass

**HB 205: Deed of Trust Foreclosure (Cook).** Did not pass

**HB 239: State Employees' Loan Repayment (Ferrary).** Did not pass

**HB 251: Public Finance (Stapleton).** Passed House (65-0); Passed Senate (31-0)

**HB 276: Uniform Money Services Act (Strickler).** Passed House (64-0); Passed Senate (35-0)

**HB 281: Transfer of Car Titles Upon Death of Owner (Herrell).** Passed House (62-0); Passed Senate (39-0)

**HB 289: Agriculture in Economic Development Finance Act (Small).** Did not pass

**HB 318: Student Loan Bill of Rights Act (Caballero).** Did not pass

**HB 325: Securities Violation Penalties (Barnes).** Did not pass

**HB 326: Protection of Vulnerable Adults (Barnes).** Passed House (66-0); Passed Senate (30-8)

**HB 327: Minimum Wage for Persons with Disabilities (Ferrary).** Did not pass

**HB 329: Unclaimed Property Sales by Peace Officers (Ruiloba).** Did not pass

**HB 331: Landlord Return of Tenant Deposit (Thomson).** Did not pass

**HB 334: Local Approval of Marijuana Locations (Townsend).** Did not pass

**HB 335: Resolution of Prevailing Wage Complaints (McCamley).** Did not pass

**HB 347: Financial Institutions (Lundstrom).** Passed House (64-2); Passed Senate (27-14)

**HB 356: Local Economic Development Act (R. Martinez).** Did not pass

**HB 361: State Banks (Cook).** Passed House (55-11); Passed Senate (38-0)

**HB 368: Reporting Requirements for Small Loan Act (Lente).** Did not pass

**HB 378: Promote NM Agriculture Products (Romero).** Did not pass

**HB 382: Mineral Lease Districts Act (Nibert).** Did not pass

**HB 401: Manufactured Home Definition (Sweetser).** Did not pass

**HB 412: Tax Reform (Harper).** Did not pass

**HB 413: Rental Property Writs of Restitution (Baldonado).** Did not pass

**HB 432: Employee Preference Act (Townsend).** Did not pass

**HB 438: Disclosure of Tax Refund Loan Fees (Ruiloba).** Did not pass

**HB 442: Minimum Wage (Rodella).** Passed House (37-30); Passed Senate (24-15)

**HB 467: Benefit Corporation Act (Cook).** Did not pass

**HB 475: Modify Crime of Concealing Identity (Rehm).** Did not pass

**HB 480: Small Loan Interest Rates (Roybal).** Did not pass

**HB 487: Tax Gasoline at the Rack (Townsend).** Did not pass

**HB 489: Exclude Greenfield Areas from TIDD Act (Romero).** Did not pass

**HB 494: Taxpayers' Rights Advocate Office Act (Powdrell—Culbert).** Did not pass

**HB 513: Public Funds (Egolf).** Passed House (63-0); Passed Senate (40-0)

**HJR 1: Distribution of Permanent Fund for Early Childhood Education (Maestas).**  
Did not pass

**HJR 2: Economic Stimulus Programs (McCamley).** Did not pass

**HJR 9: Term Limits (R. Montoya).** Did not pass

**HJM 4: Infrastructure Funding Intervention Committee (Ely).** Did not pass

**HJM 7: Impact of Affordable Care Act Repeal (Thomson).** Did not pass

**HM 7: State-Owned Bank Study (L. Trujillo).** Did not pass

**Save the Date:**

**106<sup>th</sup> NMBA Annual Convention**

**June 8-9, 2017  
Inn of the Mountain Gods**

