

Ruben R. Baca
August 1, 2016

New Mexico Notes

New Mexico is still struggling with the downturn in the economy caused mostly because of the price of gas and oil revenues. The State relies heavily on these revenues to run State government. As it stands right now, I don't believe it will change for the better. The State must fill a hole of \$200 million for the budget year that ended June 30th and it faces a possible shortfall of \$500 million for the budget year that began July 1st. Then there is the issue of replenishing the State's exhausted reserves. That could be another \$300 million; all in all that's a billion dollars. Where in the world are they doing to come up with that kind of money—nobody knows. It is now a reality that the Governor will have to call a Special Session soon. She has stated that it should be very short and that Democrats and Republicans must have an agreement on what to do. That is a reasonable request and the right thing to do. Having a Special Session early in the election cycle is not a very popular thing to do with the Democrats trying to retake control of the House that they lost to the Republicans for the first time in 60 years. With the Democrats trying to keep control of the Senate, I would think they would want to get in and get out as quickly as possible.

There is a new City of Albuquerque Ordinance being supported by a variety of left-leaning groups and opposed by the business community. This Ordinance is by referendum and can be approved by the City Council. If there is a no vote, then it will be placed on the November ballot or can be placed on the October 2017 local election ballot.

How it would work

- **All employers in Albuquerque would have to comply, no matter their size, if they have "physical premises" within the city. State government would be exempt.**
- **Any employee who works seven days or more in one year would be entitled to earn sick leave. That includes part-time, seasonal and temporary workers.**
- **An employee would earn at least one hour of sick leave for every 30 hours worked.**
- **Employees at large businesses — 40 or more workers — could use up to seven sick days a year, if they've earned that much. At smaller employers, they could get five days.**
- **The paid sick leave could be used by the employees to care for themselves or a sick family member, or for absences related to domestic violence, sexual assault or stalking.**
- **The employer could require the employee to provide documentation if the person uses three or more sick days in a row. The employer, however, would have to pay**

the worker's out-of-pocket expenses if obtaining the documentation costs money. The employer would have to keep the documentation confidential.

- **Employers could offer more generous benefits than those required.**
- **The ordinance would establish a “rebuttable presumption of a violation” if the employer takes action against someone who has exercised their rights under the ordinance or alleged a violation of their rights within the last 90 days.**
- **There is a debate over whether the ordinance would eliminate “paid time off” plans and require separate sick-leave accounting.**
- **The city attorney's office would be charged with enforcing the law and employees could file their own lawsuits.**
- **Employers would need to keep track of earned sick time for every employee and keep the records for four years.**

NMPMA Convention and Trade Show

The New Mexico 2016 Convention and Trade was held August 22-24 at the Sandia Resort Casino and was one of the most successful conventions we have had in years. The convention began on the 22nd with a welcome reception that was very well attended. The Golf Tournament was held on the 23rd at the Sandia Golf Club, and everyone had nothing but good things to say about the golf course. The tournament had 108 players, the most we have had. The winners of the tournament were Mike Digrappa, Dan Moore, Don Kodl, and Donnie Loerwald. Second place was Tim Fullery, Ricky John, John Molk and Tony Lauro. Congratulations to all of them and thanks to everyone that played. The Trade Show opened at 2:30 with a reception on the Trade Show floor beginning at 5:30 until 7:00 p.m. There were more booths than we have had in years. Thank you to all the vendors for supporting the NMPMA. There were several speakers at the dinner including Ron Berry, WPMA 1st Vice President. Benny Hodges, PMAA Brands Division Director, who on behalf of NMPMA gave a special award to former State Executive Everett “Red” McGehee and longtime member and supporter of the NMPMA, Anthony “Tony” Bernitsky. The guest speaker at the dinner was Speaker of the House, Don Tripp, the first Republican Speaker in New Mexico in 62 years. He gave a very entertaining speech that was well received by all who attended.

There was a membership meeting on August 24th with several speakers starting with Michael Cox, Federated Insurance, who gave us a Federated update and a presentation on distracted drivers. Dana Bahar, Petroleum Storage Tank Bureau gave updates on new regulations and corrective actions. David Turning, New Mexico Standards and Consumer Services gave a presentation on skimmers in New Mexico. All the speakers were well received by a packed room. The convention this year was up in every category—attendance, sponsorships, and golf. I think having it at the Sandia Resort was a big factor. The Association thanks all those that attended and look forward to next year.