

New Mexico Notes – Spring 2018

By Ruben Baca, NMPMA Executive Director

Regarding the annual Budget battles for this year, it turns out that the disagreements between the House and Senate were relatively minor and resolved very quickly. Both houses adopted the proposed conference report and sent the budget to the Governor. As we understand it, the House did not favor using LEDA money for the Roswell hanger since it sets an unfavorable precedent by using LEDA funds for a capital outlay project. Instead, \$4 million was taken from the amount of money for refurbishing rest areas and \$1 million was reduced from the Concerns of Police Survivors fund so that \$5 million could be given back to schools to help replace cash balances taken during the last fiscal year; that represents a \$5 million cut from the Senate version. In addition, \$1 million was also taken from the rest area money to fund the Roswell hangar, \$1 million was provided for tribal and pueblo broadband services, and funding for the Bernalillo County DA remained as proposed in the Senate version of HB 2. The Senate approved the conference report unanimously. The vote in the House was 52-13.

The bipartisan five-bill crime fighting and treatment package led by House Minority Leader Nate Gentry (R-Bernalillo), Speaker Brian Egolf (D-Santa Fe) and Senator Daniel Ivey-Sot (D-Bernalillo) won approval by a wide margin from the Senate. During the session, the referral to the Senate Finance Committee was withdrawn, clearing the path for the bill to go directly to the Senate floor. The package is now on the Governor's desk. These bills are designed to address many aspects of public safety needs: sentence enhancement for violent offenders, law enforcement staffing, and mental health services. It represents a step forward, building a foundation of bipartisan cooperation that can lead to further criminal justice reform. We need to more intelligently fight crime by doing a better job of locking up the violent and/or repeat offenders and diverting the lesser offenses to treatment programs. It is good for the state to see a building consensus around this goal.

The FIVE MEASURES acted upon are:

- 1. HB 19**, sponsored by House Minority Floor Leader Nate Gentry (R-Bernalillo), would keep violent criminals from obtaining firearms by increasing penalties for felony offenders who receive, transport, or possess a firearm.
- 2. HB 215**, sponsored by Representative David E. Adkins (R-Bernalillo), would provide bonuses to our most experienced officers to help keep them on the force protecting our communities.
- 3. HB 217**, sponsored by Representatives Daymon Ely (D-Bernalillo and Sandoval) and Nate Gentry (R-Bernalillo), would help corrections facilities screen inmates for underlying health issues, connect them with treatment services, and enroll those eligible in Medicaid when they are released – encouraging access to behavioral health support and decreasing recidivism.
- 4. HB 266**, sponsored by Representative Elizabeth Thomson (D-Bernalillo), would increase the requirements for removal of an ignition interlock device for DWI offenders before a driver's license is reinstated.
- 5. HB 271**, sponsored by Rep. Antonio "Moe" Maestas (D-Bernalillo), would set realistic penalties for nonviolent crimes, to help our judiciary system better manage caseloads and free up District Attorneys and public defenders to focus on serious crimes.

With little debate, the Senate passed HB 46, sponsored by Representative Debbie Rodella (D-Rio Arriba, Santa Fe and Taos) that is identical to SB 27 sponsored by Senator Clemente Sanchez (D-Cibola, Socorro, McKinley and Valencia), sending the legislation to the Governor for her action by a vote of 39-0. SB 27 was also sent to the Governor.

The bill would, among other things, make it unlawful for a car manufacturer, distributor or representative to:

- **fail to compensate** a motor vehicle dealer for reconditioning expenses or for labor and parts required for a dealer to repair a new or used vehicle that is subject to a recall, do not drive order or stop sale order, if the dealer holds a franchise of the same line-make as the vehicle;

- **fail to compensate** a motor vehicle dealer for a delay in delivering parts or equipment needed to repair a used motor vehicle that is subject to a do not drive order or stop sale order, if the dealer holds a franchise of the same line-make as the vehicle;

- **reduce compensation** to a motor vehicle dealer, process a charge back to a dealer, reduce the amount that the manufacturer owes a dealer under an incentive program or remove a dealer from an incentive program in response to a dealer submitting a claim or receiving compensation for a claim.

Representative Jason Harper (R-Sandoval) sponsored HB 194 that would allow taxpayers to present alternative evidence to the Taxation and Revenue Department during an audit to prove that a transaction is exempt from GRT. The Senate approved the bill 39-0, sending it to the Governor. The bill is especially important to small businesses, some of which have been put out of business because they could not produce a non-taxable transaction certificate because they may have simply forgotten, or their accountant did not keep the record, or the buyer is now out of business.

What HB 194 does is to allow the presentation of alternative evidence like a purchase order, bill of sale or any other valid document

that shows a transaction should be non-taxable. As Representative Harper says, *“Passage of HB 194 is a victory for New Mexico’s small businesses. The state’s NTTTC statute was unnecessarily cumbersome and punitive. I am grateful for the support we have received for this idea. I know this change will benefit many small business owners across the state.”*

Representative Damon Ely (D-Bernalillo and Sandoval) proposed the formation of a criminal justice task force to develop recommendations for combating crime in New Mexico. The task force would consist of criminal justice experts and would be convened under the auspices of the Chief Justice of the Supreme Court. Ely hopes that retiring Justice Edward Chavez will agree to lead the task force. The Senate passed HJM 16 39-0, a joint memorial of the Legislature that does not require executive action.

Representative Bill Rehm (R-Bernalillo), sponsored HB 173. The Senate unanimously approved the bill by a vote of 40-0, sending it “upstairs” for the Governor to consider. Rehm’s bill would create the Auto Theft Prevention Authority. The Superintendent of Insurance would be given the authority to assist local law enforcement agencies and local prosecutors’ offices in preventing, investigating and prosecuting auto theft related crimes throughout New Mexico. If successful, there is potential to reduce insurance premiums to consumers. A similar entity in Colorado has proven to be very effective.

Customers of Spaceport America want to ensure that private, competitive information is not subject to the Inspection of Public Records Act (IPRA). This would include cyber infrastructure information and security information as well as the customer information that could involve competitive data. Without this kind of protection, Spaceport officials say that customers may choose another site like Virginia or Florida that have such protections in place.

Senator William Burt (R-Chaves, Lincoln and Otero) and Senate President Pro Tempore Mary Kay Papen (D-Dona Ana) sponsored SB 98, as amended, to provide this protection. Representative Rebecca Dow (R-Grant, Hidalgo and Sierra) was the sponsor in the House. The House passed the measure by a vote of 63-1. The Senate concurred and the Bill was sent to the Governor for signature. Spaceport America representatives and Foundation for Open Government representatives, along with Representatives Jim Dines, (R-Bernalillo) and Nate Gentry (R-Bernalillo) worked very diligently to reach an agreement on the bill, which was an impressive example of how to move the state forward. The House amendments were agreed to by both organizations. Our congratulations to Senator Bill Burt, who led negotiations for Spaceport America and to Greg Williams, who led negotiations for FOG.

Auto theft is one of the fastest growing crimes in New Mexico. The House passed SB 24 by a vote of 62-1, sending the measure to the Governor for signature. Senator Howie Morales and Representative Monica Youngblood cosponsored SB 24.

The bill, like its House companion HB 52 (also sent to the Governor), would require auto recyclers, prior to taking possession of a vehicle, to verify with the Taxation and Revenue Department, through its electronic system, whether the vehicle has been reported stolen. In addition, within 48 hours of the close of business on the day a vehicle is purchased, an auto recycler must report the sale electronically to TRD.

Big time auto theft is not a random process of a single thief. Rather, it is a well-organized effort of auto theft rings. Other states have found this kind of reporting to be very useful to law enforcement in detecting patterns of theft that lead to busting up criminal enterprises. Moreover, vehicles are often located and returned to the rightful owners.

We certainly think that expanding Baby Brianna’s law, enhancing penalties for the most violent criminals and toughening laws against those that abuse our children, must be passed. At the same time, we recognize that penalties alone will not stop crime. We need to continue to fund the entire judiciary, focus on putting the worst criminals in jail and expanding treatment options for those with behavioral health or substance abuse problems. Fighting crime requires a multifaceted approach, and we hope the criminal justice task force and work of legislative interim committees will return next session with solutions. It is expected that the Governor will call a Special Session to deal with more crime issues such as these.

NMPMA Member

Longtime NMPMA member Lonnie D. Allsup, 84, of Clovis, NM died January 28, 2018, at his home. Lonnie was born in 1933 in Lubbock, TX, and graduated from high school in Morton, TX. Lonnie attended college and joined the Air Force, serving his country during the Korean War. After he was discharged, he and his wife Barbara operated their first store, called Lonnie’s Drive-In Grocery. He sold his small company, moved his family to Clovis, and started a new group of stores. Over 60 years later, their company grew from one store to its present size of 318 Allsup’s Convenience Stores. He was a member of the Board of Directors of Affiliated Foods, Tri-State Bakery, Plains Dairy, and past president and lifetime director of NCHA.

Upcoming Events

THE NMPMA CONVENTION & TRADE SHOW will be held **August 20-22, 2018**, at Sandia Resort and Casino in Albuquerque, New Mexico.

