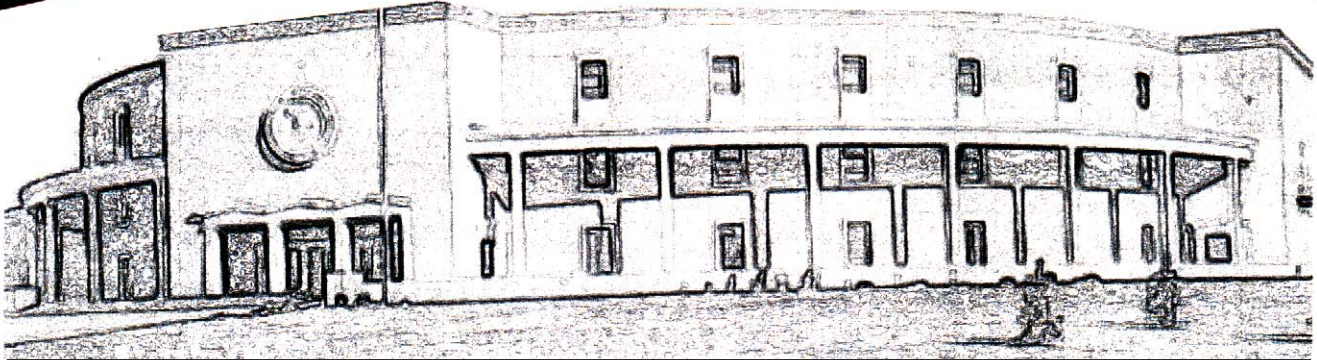


# LEGISLEADER



48th Legislative Session - February 1, 2007 - Volume III

The *Legisleader* is the official legislative newsletter of the New Mexico Farm and Livestock Bureau...the state's largest and oldest agricultural organization. *Farm Bureau....since 1917 a leader in New Mexico!*

## Second week at the Roundhouse Concludes

By Cecilia Abeyta  
Director, Legislative Affairs,  
N.M. Farm and Livestock Bureau

The second week of the legislature (Jan. 22-26), brought some interesting pieces of legislation that pertain to agriculture. Legislators have taken no time to rest and it appears that they are determined to do business in the Capitol city of Santa Fe!

Last week, legislators introduced bills pertaining to minimum wage, water conservation and eminent domain. A brief summary on minimum wage and water conservation including sponsors and committee assignments follows. Stay tuned for more information on eminent domain in the next edition of the *Legisleader*.

### Minimum Wage

Senator Ben Altimirano introduced SB 324 pertaining to minimum wage. This bill has been given two committee assignments; Senate Finance and Senate Corporations. The bill maintains current agriculture exemptions with an additional exemption pertaining to the handling, drying, packing, packaging, freezing or canning of unmanufactured state. It raises the minimum wage to \$6.50/hr in January 2008 and \$7.50 in January 2009. The bill provides for a temporary state pre-emption that "prohibits cities, counties and home rule municipalities and other political subdivisions from

adopting or continuing in effect any law that mandates a wage rate higher than the rate stated in this bill." This bill is currently in Senate Corporations.

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### 48th Legislative Session -

All Legislators - State Capitol Switch board - (505) 986-4300.

State Land Office - (505) 827-5760.

Legislative Council Service - (505) 986-4600.

Office of the Governor (505) 476-2200.

N.M. Legislature homepage - [www.legis.state.nm.us/](http://www.legis.state.nm.us/)

N.M. Farm Bureau Website - [www.nmfarmbureau.org](http://www.nmfarmbureau.org).

We can expect a minimum wage bill to pass both houses this session because it was identified in the Governor's State of the State Address. **Farm Bureau opposes any minimum wage increase.**

**Water Conservation**

Two companion bills pertaining to water conservation have been introduced. The bills are HB 443, which was introduced by Representative Cervantes, and SB 461, which Senator Ryan is carrying. Essentially, this legislation allows the owner of a water right who implements

conservation measures to put that water to beneficial use, rather than being penalized by forfeiting the conserved water. It would allow the water right owner to change the point of diversion, the storage place, or the purpose of the "conserved" water. If the purpose of the water is unchanged, for example, if the agriculture water conserved is diverted elsewhere for other agriculture uses, then the full amount of the diversion allowed by the right shall remain and not be reduced, because the consumptive use will not have changed. The bill also clarifies that "conservation" of water is

considered a beneficial use. Under the proposed legislation, a water right owner that does not divert all of the water to which he or she is entitled by his or her right, shall not lose the portion of the water right that is not being used. **Farm Bureau supports this legislation.**

The committee assignments for HB 443 are House Agriculture and Water Resources and House Energy and Natural Resources. For SB 461, the committee assignments are Senate Conservation and Senate Judiciary.

**100-Year Water Use Planning Legislation Introduced**

Representative Mimi Stewart has introduced HB 551, an "An Act Providing For A Water Use Planning Period Of 100 Years."

This legislation amends Section 72-1-9 NMSA 1978 to allow municipalities, counties, member owned community water systems, school districts and state universities to acquire and hold unused water rights in an amount greater than their reasonable needs for a 100-year period. Forfeiture of unused water rights is not applicable. Currently the state engineer allows for a 40-year period and water cannot be acquired beyond reasonable needs.

This amendment allows for an extended amount of time for speculative growth with no accountability in the acquisition of water rights

through condemnation if water is not purchased. Other industries, including agriculture, are currently held to accountability with the water rights they own if water is not put to beneficial use. **Farm Bureau's stance is that equal treatment in forfeiture of water not put to beneficial use needs to be applied to all stakeholders.**

HB 551 has been assigned to the House Energy and Natural Resources Committee. At this time, the bill has not been scheduled to be heard by the committee. However, should your legislator be assigned to this committee, you may want to call ahead. Below are the legislators who are members of the committee. At this time there have been no state agency analysis submitted.

**House Energy and Natural Resources Committee**

James Roger Madalena	<b>Chair</b>	986-4417	Thomas A. Garcia	986-4242
Jim R. Trujillo	<b>Vice-Chair</b>	986-4255	William J. Gray	986-4211
Thomas A. Anderson		986-4452	Joni Marie Gutierrez	986-4234
Paul C. Bandy		986-4214	Antonio Lujan	986-4436
Donald E. Bratton		986-4427	Jeff Steinborn	986-4248
Candy Spence Ezzell		986-4450	James R.J. Strickler	986-4454
Miguel P. Garcia		986-4327	Peter Wirth	986-4233



# Update on HB 80, Sponsored by Representative Antonio Lujan

By Cecilia Abeyta  
Director, Legislative  
Affairs, N.M. Farm  
and Livestock Bureau

Representative Antonio Lujan introduced House bill 80 which expands the coverage of worker's compensation to include farm and ranch laborers. The bill repeals the language that exempts employers of farm and ranch laborers from paying to the worker's compensation act.

This legislation went before the House Labor and Human Resources committee on January 25. We requested that you contact your legislators who sit on this committee to let them know your concerns, and it was evident that many of you did so.

During the meeting, Representative Ezzell made a motion to "table the bill," but the motion failed. Representative Garcia (Chairman) made a motion for a "do pass with no

recommendation." By a vote of 4-2, the motion carried. The representative's votes are included at the end of this article.

The committee spent well over an hour on the legislation. The proponents of the legislation were attorneys, a couple of law students, representatives from the Archdiocese, and the Congregation of Churches. The message was conveyed to the committee that this is "social justice" and that some workers are not covered. Emphasis was made by the attorney testifying on how low the cost would be to farmers and ranchers.

There was some agriculture representation at the meeting. It was argued that producers have liability and umbrella policies in place, that the reported producer's cost is inaccurate, and that the correct process had not been followed by presenting the legislation to the Governor's "Workers Compensation Advisory Council."

To review the Financial Im-

pact Report by Worker's Compensation Administration please log onto the legislative website at [www.legis.state.nm.us](http://www.legis.state.nm.us).

The next committee for this legislation is the House Business and Industry Committee. The meeting time has not been scheduled, and a list of legislators who are members of the House Business and Industry Committee is included at the end of this article. We will keep you informed as to when a committee date is scheduled, so please continue to contact legislators on this committee who are in your district.

**Voting Results** for House Labor and Human Resources Committee members on the motion "do pass with no recommendation" for HB80:

Miguel P. Garcia-yes  
Manuel G. Herrera-yes  
Candy Spence Ezzell-no  
Rick Miera-yes  
Sheryl Williams Stapelton-yes  
Shirley A. Tyler-no

## House Business and Industry Committee

Debbie Rodella <b>Chair</b>	<b>986-4329</b>	Dona Irwin	986-4249
George J. Hanosh <b>Vice-Chair</b>	<b>986-4243</b>	Jane Powdrell-Culbert	986-4467
Andrew Barreras	986-4423	Thomas Taylor	986-4757
Jose Campos	986-4341	Jim Trujillo	986-4255
Justine Fox-Young	986-4450	Gloria Vaughn	986-4453
Thomas Garcia	986-4242	Richard Vigil	986-4242
Keith Gardner	986-4211		

# AgFest Heading for the City Different

The annual celebration of the state's diverse agricultural industry is set for Feb. 15, at the La Fonda Hotel in downtown Santa Fe. The event will begin at 6 p.m. and features an opportunity for Farm Bureau members to visit with their elected state representatives in a relaxed, festive atmosphere. A showcase of food from the Land of Enchantment and other agricultural products is

the centerpiece of this tradition.

The annual legislative breakfast will convene on the morning of Feb. 15 at 7 a.m. at the La Fonda Hotel. Our Legislative guest speakers are Representative Joseph Cervantes from Las Cruces and Senator John Ryan from Albuquerque. Both Legislators are co-sponsoring legislation pertaining to agriculture water conservation. Other Farm Bureau events as-

sociated with AgFest this year include a council of county Farm Bureau presidents meeting on Feb. 14 at 1:30 p.m. and a New Mexico Farm and Livestock Bureau board of directors meeting on Feb. 15-16. The La Fonda Hotel is located at 100 E. San Francisco St., downtown Santa Fe. For more information on AgFest, call (505) 532-4702.