# *NEW MEXICO SENATE DEMOCRATS*

For immediate release
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## Senate Review: February 21, 2013

### Bill Would Establish Fund to Test Racehorses More Stringently

A stricter regimen of drug testing for racehorses administered by the State Racing Commission would be implemented under Senate Bill 72, which recently received approval from both the Senate Corporations Committee and the Senate Finance Committee. The bill, sponsored by Senate President Pro Tempore Mark Kay Papen (Dona Ana, District 38), amends the state Horse Racing Act to establish a racehorse testing fund and add serum and plasma samples to the list of test criteria performed upon active racehorses.

The bill stipulates that two samples be taken from a racehorse to test for" unauthorized drugs, chemicals, stimulants, depressants or other foreign substances not naturally occurring in a horse. One sample would be sent for testing to a State Racing Commission laboratory or one of its choice and the other would be sent to the scientific laboratory division of the Department of Health.

The bill, which now heads to the Senate floor for a vote, specifies that the laboratories shall meet or exceed national standards for such testing as established by the Association of Racing Commissioners International, Inc. Starting in 2015, the Racehorse Testing Fund would be financed by a portion of the daily capital outlay tax levied on the daily handle at both Class A and B tracks. The State Fair Commission would finance the fund before that through capital outlay appropriations to the state fairgrounds.

An investigative report last year by the "New York Times" pointed out that many racehorses in New Mexico were being given performance enhancing drugs by their handlers at five of the state's horseracing tracks.

### Tax Expenditure and Revenue Budget Reporting Bill Passes Senate Floor

The Senate passed a bill Wednesday that would have state state's taxation agencies gauge the effectiveness of various tax credits and to determine if companies receiving tax credits are keeping jobs in New Mexico and using the credits to the best benefit of the state. An amended version of Senate Bill 7, sponsored by Senator Tim Keller (Bernalillo, District 17) passed 37-0.

“We need this information to inform our policy decisions,” Said Senator Keller. “Seventeen states are doing this. It would be beneficial for policy makers to know the return on investment our efforts are having in relation to economic development and strain on the budget.”

This is the third time that this bill has been passed in the Senate. In 2011 it passed the Senate and the House, but was vetoed by Governor Susana Martinez.

The bill would require a study of all tax and budget expenditures with an impact of more than $1 billion dollars. The study would include the following information: tax expenditure statutory basis, purpose, and year of enactment; a total of all costs in each fiscal year for all expenditures, revenue sources and beneficiaries; the number of jobs associated with each expenditure; aggregate number of businesses relying on the tax ; unexpected effects of the tax expenditure.

The proposed report would be cover a five-year period, and 20 percent of the report would be completed each year. This provision will address past executive concerns of administrative burden. Amendments to the bill included a confidentiality measure so that taxpayer names would not be released when studying tax credits. Also, a floor amendment was approved to put the results of the study on the state’s Sunshine Portal website.

## BILL SEEKS TO RESTORE CARE LEVELS TO STATE’S DEVELOPMENTALLY DISABLED

A bill being considered by the Senate Public Affairs Committee would require the Department of Health and the Department of Human Services to restore prior levels of medical care provided to the state’s developmentally disabled before the federal government granted the state waivers to change the level of services in June 2011.

In addition, Senate Bill 458, sponsored by Senator Nancy Rodriguez (D, Santa Fe, District 24), would require the departments to obtain prior approval from the Legislature before it applies, renews or modifies any waivers submitted to the federal Developmental Disabilities Home- and Community-Based Services program that funds the care services and approves the rates paid to in-state providers.

The federal government allows the state to apply for the waivers every four years. The feds pay about 70 cents to every dollar into the multi-million dollar program while the state picks up the rest.

Advocates contend that this bill is needed because the last federally approved waiver, last applied for by the state without details known by the Legislature, severely limited the services to existing clients and reduced payments to health care providers. The last waiver resulted in many of the state’s developmentally disabled to no longer qualify for home services, and limiting the services of others, even though they had been receiving such care for many years. It also reduced payments to health-care providers.

“The last waiver severely impacted the quality of care provided to some of our state’s most severely disabled and needy citizens,” said Senator Nancy Rodriguez. “We need to have more oversight of any changes and reduced level of care so that when future requests for waivers are submitted that might negatively affect eligibility, we can make sure that the level of care is maintained – or even enhanced.

“The 2011 waiver also caused many health-care providers to cut back on their own treatment programs and reduce their employee numbers. So it also affected our economy.”

After SB 458 is heard by the Public Affairs Committee it heads to the Senate Judiciary Committee.

**In other Senate action:**

* A bill passed on the Senate floor on Wednesday would provide companies that provide dialysis services to New Mexicans a gross receipts tax credit from payments they receive from the federal government. Senate Bill 4, sponsored by Carlos R. Cisneros, (Los Alamos, Rio Arriba, Santa Fe, Taos, District 6), would take effect on January 1, 2014 and sunset on July 1, 2021. A company could deduct 33 percent of the gross receipts the first year of the proposed change, 66 percent the following year, and 100 percent the third year until the law sunsets in 2021.

* Expect to see many Hollywood wannabes (and maybe a few real Hollywood types) at the Roundhouse on Friday for ”Film and Media Day,” between 8 a.m. and 4 p.m. with vendor and film-program booths in the Rotunda.