



New Mexico Municipal League

LEGISLATIVE BULLETIN

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GETTING WARMER

February 7, 2025

Temperatures rose this week outside, as well as inside the Roundhouse. The third week of the legislative session saw a deluge of bill introductions, including two of the League's priority bills – House Bill 283, which makes targeted updates to the Inspection of Public Records Act (IPRA), and House Bill 298, which modernizes specific portions of the State's Municipal Code. Key areas of discussion and debate continue to be public safety, crime and behavioral health, as well as oil and gas and water-related regulations.

The League stood in support of two bills this week that passed their first committees. Senate Bill 7, which provides municipalities with the option to operate a municipal stormwater utility and collect fees, received a Do Pass in SHPAC and now heads to STBTC. House Bill 128, which appropriates \$60 million annually to NMFA for the purpose of making grants to local governments for solar energy projects, passed in HENRC and now goes to HAFC.

The proposal to expand the state's red flag law to allow law enforcement to temporarily remove firearms from individuals deemed a threat to themselves or others (House Bill 12) passed its second committee this week and now heads to the House floor. Three bills (Senate Bills 1, 2, and 3) that comprise a behavioral health initiative package, aiming to expand and strengthen behavioral health facilities and provider networks throughout the state, passed their first committee.

League Priority Legislation

House Bill 283, sponsored by Representatives Christine Chandler and Alan Martinez, and Senator Linda Trujillo was introduced in the House this week. The bill modernizes the Inspection of Public

Key legislative session dates:

Opening day (noon): *January 21*
Deadline for introduction: *February 20*
Session ends (noon): *March 22*
Legislation not acted upon by governor is pocket vetoed: *April 11*

Your legislator can be reached by name through the legislative switchboard: (505) 986-4300 in Santa Fe. The Legislature's website (www.nmlegis.gov) also contains legislator's email addresses. You can also check the League's website (www.nmml.org) for other League information.

See page 4 for a summary of how legislation is passed in New Mexico, as well as a list of legislative abbreviations.

Records Act (IPRA) through targeted statutory updates including requiring that public bodies be notified of alleged violations before legal action is taken, defining a two-year statute of limitations on filing complaints related to IPRA violations, and allowing records custodians to impose fees for requests to use records for commercial purposes. HB283 is informed by a [2024 Municipal League in-depth evaluation](#) of IPRA and its impact on local governments. The evaluation found, among other things, that average monthly IPRA requests doubled for municipalities since 2020, commercial entities are the largest requestors of data, and local governments are committing significantly more resources to handling IPRA requests. HB283 has been referred to HGEIC and HJC, and the League will let members know how to help support this bill. *See a briefing sheet for HB283 at the end of this document.*

House Bill 298, sponsored by Representatives Christine Chandler and Mark Duncan and Senator Bill Sharer, was also introduced in the House this week. The bill updates Chapter 3 of New Mexico Statue, referred to as the Municipal Code, which has seen minimal updates since it was compiled in 1978. The revisions to the code will provide municipalities with clear operational guidance and support effective local governance. The proposed statutory updates focus on mayor-council forms of government and will not infringe on procedures enacted by home-rule municipalities. Like HB283, HB298 has been referred to HGEIC and HJC, and the League will communicate on how members can help support this bill. *See a briefing sheet for HB298 at the end of this document.*

Senate Bill 197, sponsored by Senator Pete Campos and Representative Harlan Vincent, was introduced in the Senate last week. The bill allows recipients of EMS Fund monies to pledge those funds for debt service through the New Mexico Finance Authority's Public Project Revolving Fund, facilitating the purchase of ambulances or other EMS vehicles or equipment. The bill proposes the same eligible bonding uses for EMS Fund revenues as are currently available for Fire Protection Fund and Law Enforcement Protection Fund revenues. SB197 awaits its scheduling in SHPAC. *See a briefing sheet for SB197 at the end of this document.*

Other Bills of Note

- **The League has concerns about Senate Bill 30.** The bill proposes a 2 percent PERA benefit cost of living adjustment (COLA) for state retirees, paid for through a general fund appropriation, but local governments would need to opt-in and self-fund the COLA increase for municipal retirees. Local governments are abiding by the pension reform framework passed in the 2020 legislative session (SB72) by contributing their statutorily required amounts and awaiting improved PERA trust fund solvency prior to any COLA increase. SB30 proposes amending the pension reform framework to benefit only state retirees, and in the process increase the unfunded liability of the PERA trust fund by an estimated \$839 million according to LFC staff analysis. At the time of publication of this bulletin, the League was waiting to testify on these concerns in SHPAC.
- **Senate Bill 141, which proposes a \$100,000 standard Gross Receipts Tax (GRT) deduction, has the potential to significantly reduce local government GRT revenues.** The estimated cost to local governments is highly uncertain given the lack of available data pertaining to the number of businesses that could take advantage of the deduction and the overall GRT implications. Additionally, there is risk that businesses could abuse the proposed GRT deduction by creating multiple business entities to

maximize deductions, seriously eroding local GRT revenues. It is unlikely that SB141 would provide any meaningful consumer relief as businesses would presumably continue to pass along the GRT amount to the consumer.

- **The Municipal League continues to share concerns about Senate Bills 21 and 22, which create significant liability and operational concerns for local governments.** The bills grant the state more authority over pollution and discharge into New Mexico's waterways, propose the creation of a state-managed permitting system, and also enhance enforcement provisions over discharge violations, among other changes to the law. However, the bills also create a private right of action, allowing any individual or entity to bring suit for an alleged violation. This could incentivize organizations to bring suit for even minor violations in state courts, greatly expanding liability for local governments. New criminal penalties contained in SB21 mean that operators of landfills, wastewater, and other critical infrastructure could be held criminally liable, even for negligent activity. SB21 and SB22 await their scheduling in Senate Judiciary Committee.
- **The League has also discussed concerns about Senate Bill 218 with bill sponsors and other legislators.** SB218 makes a number of updates to the state's Election Code. Notably, the bill repeals a section of law that allows municipalities to hold municipal officer elections in March, and municipalities would therefore be required to participate in the regular local election. A number of municipalities have chosen not to opt in to regular local elections, and instead retain their own election administration, and the League views an attempt to remove this option as an unacceptable preemption of local authority.
- **The League has identified and raised concern with a number of bills that preempt local planning and zoning authority, including House Bill 302.** The bill amends sections of the Development Fees Act, which would limit local governments' ability to structure development agreements and impact fees in the ways best suited to address local needs. Additionally, the proposed amendments could shift the cost of new developments to local governments from developers.

Other Substantive Legislation

The League tracks bills with potential impacts on municipalities. **You can view a real-time list of all [tracked bills](#) by policy area on our website**, under Legislative Information. Please note that tracking of a bill does not indicate any League position on the bill. For more information on specific legislation, please contact us!

Anatomy of a Bill

A bill is introduced by a sponsoring legislator on the floor of either house, numbered by the clerk and referred for consideration to one or more committees of that house. The deadline for introduction of all bills except appropriations bills or bills requested by the Governor (special messages) is noon on the 30th day of a 60-day session or noon on the 15th day of a 30-day session.

Committee recommendations usually determine the success or failure of a bill. A bill may be amended in committee or on the floor at any point in the process – sometimes changed so significantly that its own author would not recognize it – or a substitute measure with the same number and general subject matter may be put in its place.

If you are interested in a particular bill, do not be discouraged if it seems to sit for a long time in committee, particularly in a tax, finance, or appropriations committee. Bills requesting money or taxing authority often lie dormant until the last few days of a session and then move quickly.

If a bill passes successfully through its committee referrals, it returns to the floor of the chamber in which it was introduced for floor consideration. If it passes that chamber, it goes to the other chamber. However, it may also be tabled, referred again, or defeated.

In the second chamber the bill is again considered in one or several committees and it may again be amended or substituted. If it gets through its committee assignments, it returns to the floor of that chamber for consideration and may from there be referred, tabled, passed, or defeated.

If the bill passes the second chamber after being amended or substituted, the originating chamber must concur or fail to concur with the changes. If the originating chamber fails to concur, a conference committee representing both chambers is appointed to decide what to present to both chambers for acceptance.

A bill that has been passed by both the House and the Senate goes to the Governor for signature. The Governor may choose to sign or veto the bill. If the bill contains an appropriation, the Governor may veto portions if she wishes (*line-item veto*); if it does not, she may only veto the entire bill. If vetoed, 2/3 of the House and 2/3 of the Senate must vote in favor of the bill in order to override the veto. If the veto override fails, the bill dies.

Most bills do not reach the Governor's desk before the Legislature adjourns. The Governor has 20 days following the close of the session to sign, veto, or fail to sign (*pocket veto*) any bill that he or she did not act on during the session. In New Mexico, very few bills make it all the way to enactment. The historic trend in New Mexico is for more and more introductions each succeeding session.

General Abbreviation Codes

HB – House Bill
HCR – House Concurrent Resolution
HJR – House Joint Resolution
HJM – House Joint Memorial
HM – House Memorial
SB – Senate Bill

SCR – Senate Concurrent Resolution
SJR – Senate Joint Resolution
SJM – Senate Joint Memorial
SM – Senate Memorial
* - Contains Emergency Clause
CA – Constitutional Amendment

House Committees

HAFC – Appropriations and Finance
HAGC – Agriculture and Water Resources
HCEDC – Commerce and Economic Development
HCPAC – Consumer and Public Affairs
HCW – Committee of the Whole
HEC – Education
HENRC – Energy, Environment and Natural Resources
HHHC – Health and Human Services
HJC – Judiciary
HLLC – Local Government, Land Grants and Cultural Affairs
HLVMC – Labor, Veterans’ and Military Affairs
HRC – Rules and Order of Business
HSEIC – State Government, Elections & Indian Affairs
HTPWC – Transportation, Public Works & Capital Improvements
HTRC – Taxation and Revenue

Senate Committees

SCC – Committee’s Committee
SCONC – Conservation
SCW – Committee of the Whole
SEC – Education
SFC – Finance
SHPAC – Health and Public Affairs
SIRC – Indian, Rural and Cultural Affairs
SJC – Judiciary
SRC – Rules
STBTC – Tax, Business and Transportation



House Bill 283: Inspection of Public Records Act Modernization

Representative Christine Chandler, Representative Alan Martinez, Senator Linda Trujillo

HB283 makes the following statutory updates to the Inspection of Public Records Act:

- Adds a statutory notice provision, requiring that public bodies be notified of alleged violations before legal action is taken and allowing them to cure/remedy the matter within 15 business days.
- Defines a two-year statute of limitations for filing complaints related to IPRA violations and provides that damages cannot be awarded for periods before a requestor has notified a public body of an alleged violation.
- Allows records custodians to impose fees for requests to use records for commercial purposes, to better align with the law's intent of promoting government transparency. *The bill specifically exempts the news media from the proposed definition of 'commercial request.'*
- Prohibits any actor from using law enforcement records to solicit victims or their relatives. *Currently, only attorneys and healthcare providers are prohibited from using records for solicitation.*
- Establishes a committee to study the feasibility of an administrative appeals process to resolve IPRA disputes efficiently, avoiding costly litigation where feasible, and providing clear guidance to records custodians.

Why HB283 is needed:

- IPRA was enacted approximately forty years ago and has been amended only minimally since then.
- Both the volume and complexity of IPRA requests to local governments have increased significantly in recent years, with local governments seeing an increase in requests by for-profit companies. *Commercial data brokers are the largest requestors in terms of volume, typically seeking police reports for resale purposes or inclusion in products such as background check databases.¹ Commercial requests may crowd out requests from citizens and journalists.*
- Currently, a requestor is not required to notify a public entity if they believe an IPRA request was not properly fulfilled. *Required notice provisions are found in other Acts, including the Open Meetings Act, Human Rights Act, and Unfair Practices Act. The lack of required statutory notice may incentivize lawsuits and discourage easier, less costly resolutions.*
- IPRA does not currently include a statute of limitations. A clear statute of limitations supports faster resolution of disputes. *A two-year statute of limitations would align IPRA with the Tort Claims Act. Over half of states have statutes of limitations of two years or less in their open records acts.*
- New Mexico lacks an administrative appeals process or ombudsman function that could facilitate efficient resolution rather than prolonged, costly litigation, as well as provide clear guidance to records custodians. *Over one-third of states have some type of administrative review process and/or IPRA ombudsman function.*

In 2024, the Municipal League conducted an in-depth evaluation of the Inspection of Public Records Act and its impact on local governments.

The report draws on data from over 210,000 IPRA requests submitted to 29 municipalities and counties between 2017 and 2024. It also incorporates survey responses from 54 local governments, offering a detailed view of trends in request volume, staffing, and resource allocation.

The report's findings informed proposed statutory updates in HB283. You can access the report by scanning the QR code at right.



¹ Based on NMML analysis, commercial data brokers account for 15% of requests among 29 surveyed local governments, and over one-third of all requests in some (e.g. Santa Fe, Rio Rancho, Farmington)



Senate Bill 197: Allow Bonding of EMS Fund Revenues

Senator Pete Campos

Representative Harlan Vincent

Senate Bill 197 allows bonding of Emergency Medical Services Act (EMS) fund revenues, enabling local EMS departments to pledge revenues for debt service to purchase emergency vehicles, mirroring the Fire Protection Fund

- Currently, Fire Protection Fund revenues may be used for debt service, such as purchasing fire trucks. SB197 proposes the same debt service ability for EMS Fund revenues, enabling the purchase of an ambulance, for example.
- EMS capital costs are high (*see examples in sidebar*) and increasing, often making it cost-prohibitive for smaller local governments to purchase vehicles and medical equipment outright.
- SB197 allows recipients of EMS Fund revenues to pledge those funds for debt service through the New Mexico Finance Authority's Public Project Revolving Fund (PPRF).

EMS Capital Cost Examples

- Ambulance – \$200,000+
- Power Gurney and load system – \$40,000+
- Multi-platform cardiac monitor / defibrillator / pacemaker – \$30,000+
- Advanced life support ventilator – \$10,000+

Overview of EMS Fund

- In 2024, SB 151 increased EMS Fund revenues from approximately \$2.9 million to \$13.9 million
- Beginning in FY26, 5 percent – approximately \$11 million – of health insurance premium taxes will be directed to the EMS Fund
- 75% of funding goes to local EMS services (nearly 300 EMS services statewide), based on call volume, population, and service coverage area
 - Services receive minimum funding amounts based on level of service provided
 - Eligible expenditures: establishment or enhancement of local EMS; operational costs other than salaries and benefits; purchase, repair and maintenance of EMS vehicles, equipment and supplies; implementation of prevention programs; and training and licensing of local EMS personnel
- 22% goes to systemwide projects (18% to special projects, including purchase of vehicles, funded on a competitive application basis, and 4% for trauma system development) and 3% is used for administration



House Bill 298: Modernization of the State's Municipal Code

Representative Christine Chandler, Representative Mark Duncan

Senator Bill Sharer

Chapter 3 of New Mexico Statute, referred to as the Municipal Code, sets procedures for municipalities and needs modernization.

- The Municipal Code has seen minimal updates since it was compiled in 1978, and some procedures are outdated or misaligned with other applicable statutes.
- Revisions to the code will provide municipalities with clear operational guidance and support effective local governance.
- Proposed statutory updates focus on mayor-council forms of government and deal with issues frequently experienced by municipalities.
- The proposed amendments will not infringe on procedures enacted by home-rule municipalities.

HB298 makes the following updates to the Municipal Code:

- Allows municipal governing bodies to formally cross commission law enforcement officers from other jurisdictions to provide support in case of emergencies or increased need.
- Requires governing bodies to vote to fill mayor or councilor vacancies within 15 days of the vacancy occurring, and include a vote on the vacancy at each subsequent meeting until the vacancy is filled.
- Clarifies that a person filling a municipal governing body vacancy shall serve until the next applicable election
- Clarifies governing body voting procedures to provide more specificity about quorums, voting, and recusal/abstention
- Adds clarification on the statutory responsibilities of municipal elected officials.
- Makes technical changes to align the Municipal Code with recent changes to the Election Code.
- *For more detail on proposed changes, see opposite side of this page.*

Overview of Changes to the Municipal Code in House Bill 298

Amendment	Purpose
Introduces procedures for the cross-commissioning of police officers by governing bodies, so that municipalities can respond to emergency situations and other times of need as they arise within their jurisdiction.	The law lacks an avenue for municipalities to formally enlist other municipal public safety officers to support municipal police departments in times of emergency or increased need, even though statute bestows the responsibility of health, safety and well-being on the local government.
Requires a governing body to hold a vote to fill a vacancy of mayor or council member at each governing body meeting, occur no later than 15 days after vacancy has occurred. If the vacancy isn't filled at that time, the item shall remain on the agenda of each subsequent meeting, until filled.	Citizens of municipalities are entitled to a fully represented governing body. The statute currently does not specify a deadline by which a vacancy of the governing body is to be filled, resulting in some municipal elective offices remaining unfilled for long periods of time.
Adds language that a person filling a vacancy of mayor or council member shall serve until the next Regular Local Election or Municipal Officer Election (whichever applicable), where a successor will be elected to fill the remainder of the term.	Provides alignment with procedures to fill vacancies in other elective offices in the state.
Inserts clarification on voting procedures to provide more specificity about quorums, voting, and recusal/abstention.	<ul style="list-style-type: none"> • The law currently does not specify procedures for recusal and abstention by governing body members. Non-participation in votes can sometimes lead to gridlock or inability to conduct routine municipal business. • Guidelines on calculating quorums in different scenarios also need updating for clarity and consistency.
Adds clarification on the statutory responsibilities of municipal elected officials.	<ul style="list-style-type: none"> • The statute lacks essential procedures on the organizational meeting, which is when the governing body appoints appointive officers and other employees. • The current requirement to reappoint all municipal employees during organizational meetings is not necessary. • The bill clarifies that councilors are not authorized to directly supervise employees. • The bill codifies a Supreme Court ruling that a mayor does not have a supervisory role over a municipal court judge.
Updates requirement of when an election must be held to change the membership size of a governing body.	The statute should be amended to account for changes to the NM Election Code, which now has blackout periods for when an election can be held. The language currently conflicts.