



New Mexico Municipal League

LEGISLATIVE BULLETIN

VOL. 2025-4

February 14, 2025

CUPID TAKES AIM AT LEGISLATION

The fourth week of the legislative session saw a public safety package advance to the House floor, in a committee substitute for House Bill 8 containing six bills. The package includes criminal competency reform, stricter penalties for trafficking fentanyl, classifying a shooting threat towards schools or other public places as a felony, and prohibiting devices that create fully automatic weapons, among others. The governor, whose public safety agenda fizzled at last summer's special session, expressed support for the package while also voicing a need for additional public safety legislation.

The League weighed in on several bills this week. We voiced strong concern in STBTC on Senate Bill 141, which proposes a Gross Receipts Tax (GRT) deduction that would seriously erode local revenues. We also spoke with sponsors and other stakeholders of Senate Bills 21 and 22 about liability concerns for local governments.

League Priority Legislation

House Bill 283 (Chandler), House Bill 298 (Chandler), and Senate Bill 197 (Campos) have all been introduced and await scheduling in their first committees. HB283 modernizes the Inspection of Public 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. HB298 updates Chapter 3 of New Mexico Statute, referred to as the

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.

Municipal Code, and provides municipalities with clear operational guidance and supports effective local governance. SB197 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 League will let members know how to help support these bills. *See briefing sheets for HB283, HB298, and SB197 at the end of this document.*

Other Bills of Note

- **The League spoke in opposition to Senate Bill 141 this week, which proposes a \$100,000 standard Gross Receipts Tax (GRT) deduction and would significantly decrease local government GRT revenues.** According to the Legislative Finance Committee's estimate, SB141 would decrease local governments' GRT revenue by \$121 million annually. (For comparison, the fiscal impact of anti-pyramiding proposals that raised serious concerns in 2023 were lower). The League opposes continued attempts to erode local GRT revenues, which leave cities with few options to raise offsetting revenue. STBTC is not voting on individual tax bills at this point, waiting to hear all proposals before crafting a comprehensive tax package, but we believe our message was heard loud and clear.
- **The League shared concerns with sponsors and other stakeholders of Senate Bills 21 and 22.** The bills, which have since been combined in a committee substitute for SB21, 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. The original bills included provisions that would have greatly expanded liability for local governments by allowing any individual or entity to bring suit for an alleged violation and also created criminal penalties for negligence – both concerning for our local water and wastewater operators. Bill language was amended to remove the private right of action and criminal enforcement for negligence. The League appreciates the sponsors' willingness to hear and address the concerns raised. The League will continue to monitor and track SB21, which now awaits scheduling in SFC.
- **The League also opposes a provision of Senate Bill 218.** 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. SB218 passed out of SRC and now heads to SJC. The League will continue to speak to legislators about preemption of local election authority.
- **The League continues to voice opposition about Senate Bill 30.** The bill proposes a 2 percent COLA increase for state PERA retirees, with a \$10 million general fund appropriation, while making it optional for local PERA employers to opt in, but would require local governments to self-fund the increase for municipal retirees. Article XX, Section 22 of the New Mexico Constitution prohibits enacting a law that increases retirement benefits unless adequate funding is provided, which SB30 does not do. The proposed \$10 million appropriation contained in the bill is insufficient to cover the proposed 2 percent COLA increase (\$33 million annually for state retirees).

Further, 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. The bill passed its first committee and now heads to SFC.

- **House Bill 335 creates an unfunded mandate for local governments and is opposed by the League.** The bill requires local governments to collect and report quarterly on construction permitting data with no included appropriation. Local governments would likely have to divert staff and resources to meet the statutory requirements of HB335, and the goals of the increased reporting requirements are unclear. The bill was scheduled to be heard in HCEDC on Friday afternoon but has been postponed.

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!

Happy Valentine's Day!

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



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 283: Inspection of Public Records Act Modernization

Representative Christine Chandler, 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)



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.