



New Mexico Municipal League

LEGISLATIVE BULLETIN

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HALFWAY HEADLINES

The fifth week of the legislative session marked the halfway point in this legislative session, and saw the bill introduction deadline, the budget bill picking up speed, lengthy floor and committee debate on contentious bills, and the much-awaited first committee scheduling of League priority bills. We would appreciate your support on these bills – please see the following page for information on contacting committee members.

The Paid Family and Medical Leave Act (House Bill 11) hearing drew strong public support and opposition, ultimately passing its second committee 6-5. The vote on the House floor, where last year's version died, is expected to be close. The House Appropriations and Finance Committee passed the budget bill, House Bill 2, Friday morning.

The League presented to the Senate Finance Committee on Wednesday morning about municipal water infrastructure needs, along with the New Mexico Finance Authority. The League expressed the continued need for increased funding to address aging water infrastructure and ensure a long-term water supply. The committee members acknowledged the funding needs, and a few members highlighted specific community water needs within their districts. Senate Bill 29 appropriates \$222 million from the general fund to the water project fund which would enable more water infrastructure projects to be funded.

Join us for Municipal Day on February 28!

La Fonda Hotel in Santa Fe

For details and registration, see the League's website:

www.nmml.org

Evening welcome reception on February 27

The League will host its 36th Annual Municipal Day on Friday, February 28th at the La Fonda Hotel in Santa Fe. This is a great chance to visit with your legislators about League priority legislation and other issues impacting municipalities. There is also a reception on the evening of Thursday, February 27th. Please visit our website (www.nmml.org) for details and registration. We hope to see you all there!

League Priority Legislation

House Bill 283 (Chandler) and House Bill 298 (Chandler) are tentatively scheduled for Monday morning in the House Government, Elections and Indian Affairs Committee. 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 Municipal Code, and provides municipalities with clear operational guidance and supports effective local governance.

Note: as of 3 PM on Friday, we are still waiting to see a final committee agenda for Monday, but we are hopeful that both bills will be heard.

If you can, please reach out to committee members before Monday to encourage them to vote ‘yes’ on HB283 and HB298. You can click on each member’s name below to view their contact information below. See briefing sheets for HB283 and HB298 at the end of this document for suggested talking points.

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

Representative Name	District	Cities Represented	Party	Role
D. Wonda Johnson	5	Gallup	D	Chair
Charlotte Little	68	Albuquerque	D	Vice Chair
John Block	51	Alamogordo	R	Ranking Member
Janelle Anyanonu	19	Albuquerque	D	Member
Cynthia Borrego	17	Albuquerque	D	Member
Tara L. Lujan	48	Santa Fe	D	Member
Angelita Mejia	58	Roswell; Dexter; Hagerman; Lake Arthur	R	Member
Reena Szczepanski	47	Santa Fe	D	Member
Martin R. Zamora	63	Clovis; Fort Sumner; Vaughn	R	Member

Other Bills of Note

- **The League echoes concerns of local law enforcement on Senate Bill 50.** Local law enforcement was not adequately consulted during the drafting of SB50, despite being directly impacted by the proposed changes. In addition to making telecommunicators eligible positions for retention disbursements under the Law Enforcement Retention Fund, the bill restructures training responsibilities of the New Mexico Law Enforcement Academy, changes membership to law enforcement oversight boards and councils, and makes curriculum and training updates. The League has let bill sponsors know that more consultation is needed to address potential concerns about the restricting of these oversight entities.
- **The League voiced concern in SJC over Senate Bill 91, which the committee voted to table, regarding its preemption of local authority.** The bill, which addressed how local governments may collect speeding fines detected by an automated camera, infringed on local regulatory decision-making. The League appreciates committee members hearing our concerns about preemption and keeping this regulatory decision at the local level.
- **The League supports the loan and grant programs for local governments created in Senate Bills 31 and 33.** Senate Bill 31 provides a new zero-interest loan source for municipalities impacted by natural disasters, providing much needed relief to local communities in the aftermath of natural disasters. SB 31 requests a \$150 million appropriation to establish the fund for the loan program. SB 31 passed unanimously in STBTC and now heads to SFC. Senate Bill 33 creates the Wildfire Prepared Fund, which would provide grants to local bodies for technical assistance and conducting assessments for wildfire preparedness. SB 33 passed its second committee and now heads to the Senate floor.
- **Senate Bill 376 aims to align health insurance premium revenues with healthcare costs for state employees and local public body employees.** The bill requires the Health Care Authority to set health insurance premiums at actuarial sound rates, a concept the League generally supports to keep the group health benefits fund solvent. The group health benefits fund has maintained a significant deficit in recent years, projected to be -\$87 million at the end of FY25. The League is evaluating other aspects of the bill and the estimated monetary impact to municipalities due to charging actuarial sound rates.
- **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 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 is scheduled to be heard in HCEDC on Monday afternoon and the League will voice its opposition.
- **The League stood in support of House Bill 192, which appropriates \$2.8 million annually for the payment of subscriber fees** for the digital trunked radio communications systems used by local governments for public safety purposes. The League has supported this important effort for the past two years in the Legislature. The bill passed its first committee and now heads to HAFC.
- **The League worked with the sponsors of Senate Bill 169**, which creates a site readiness fund for the purpose of identifying, assessing, and preparing sites for business development, to address concerns of

local authority preemption. The amended bill now includes the need to consult with local governments and clarifies language on the site readiness process.

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



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.