



LEGISLATIVE BULLETIN

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WAITING GAME

As we approach the final stretch of the session, we are waiting to see the final shape of several key bills, including tax and law enforcement “omnibus” bills, as well as House Bill 2 and capital outlay bills. We anticipate seeing an omnibus tax package on Monday. While we don’t yet know the details, we are cautiously optimistic that the final bill will not include the anti-pyramiding provisions we’ve been opposing for the past few weeks. We believe there is still solid opposition to anti-pyramiding among House and Senate tax committee members. We’ve also had discussions with committee members about updating the motor vehicle excise tax revenue distribution to direct more money to state and local road funds. We are hopeful that this provision will make its way into the omnibus bill.

As a reminder, anti-pyramiding provisions currently included in House Bill 367 would negatively impact local government revenues significantly – likely by \$70 million to \$110 million. We’ve strongly opposed this proposal, and many of you have been instrumental in making sure legislators hear our concerns.

We have opposed several bills over the past two weeks that would pre-empt local authority, mainly related to local planning and zoning processes. We oppose bills that would infringe on local decision-making and circumvent governing bodies’ ability to make decisions based on input from their own communities. We’ve seen more pre-emption bills this year than in recent memory; fortunately, most have so far been tabled or are languishing in committee. Some of these bills are described in more detail below.

Municipal League Priority Legislation

- **Senate Bill 409, which supports public safety agencies’ implementation of the statewide public safety radio network, passed the Senate Health and Public Affairs Committee.** Following discussions between the bill sponsors (Senators Burt and McKenna), municipal and county first responders, and the Department of Information Technology, the bill was amended to appropriate \$2.5 million for subscriber fees, instead of the \$6.5 million in the first iteration of the bill. The revised amount is expected to cover subscriber fees for users currently on the network, with the intention to increase funding annually as more users join the network. The bill will be heard next in Senate Finance.

- **Senate Bill 250** (Senator Burt), which **increases the firefighter survivors' benefit to \$1 million**, passed the Senate, and is scheduled to be heard in the House Labor, Veterans and Military Affairs Committee on Tuesday.
- **Senate Bill 184** (Senators Gonzales and Kernan), which **directs more funding to state and local road funds**, previously passed the Senate Tax, Business and Transportation Committee, and will be heard next in Senate Finance. However, we're hopeful that the tax omnibus bill will include adjustments to the distribution, increasing state and local road funding.
- **Senate Bill 104** (Senator Munoz), **providing \$314 million in funding for airport improvement projects statewide**, previously passed the Senate Tax, Business and Transportation Committee, and will be heard next in the Senate Finance Committee.
- **Senate Bill 23** (Senator Campos), which **increases EMS funding for statewide emergency services** from approximately \$2.9 million to \$12.9 million, previously passed unanimously in the Senate Health and Public Affairs Committee. The bill goes next to the Senate Finance Committee.

Key legislative session dates:

Opening day (noon): *January 17*
 Deadline for introduction: *February 16*
 Session ends (noon): *March 18*
 Legislation not acted upon by governor is pocket vetoed: *April 7*

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.

Other Relevant Legislation

1. On Wednesday, the **Senate Judiciary Committee heard two bills – Senate Bill 19** (Senator Maestas) **and Senate Bill 252** (Senator Pope) – **dealing with law enforcement use of force, training requirements, and other issues**. The committee discussed both bills, and heard feedback from law enforcement officials and others, but did not vote on either bill. We believe both bills contain some helpful provisions, but also some problematic provisions. Some law enforcement officials expressed concern specifically about the use-of-force provisions in SB252, indicating they may not align with what officers need to stay safe on the job. We understand that the committee intends to work with both sponsors, as well as with law enforcement and other stakeholders, to identify provisions in both bills that have wide support. These provisions could be included in an eventual law enforcement-related omnibus bill, which we'll likely see early next week.
- **We've opposed several pre-emption bills** over the past days, including:
 - **House Bill 430** (Rep. Zamora) restricts local governments' authority to regulate the siting, development or redevelopment of a fuel retailer or related transportation infrastructure. HB430 received a vote of no recommendation in its first committee earlier this week
 - **House Bill 431** (Rep. Zamora) restricts local governments' authority to impose utility service restrictions on fuel sources used by certain public entities or utilities. HB431 has passed one committee so far.
 - **House Bill 351** (Rep. Ferrary) bans the installation of most grass on nonresidential properties and restricts the use of potable water to irrigate grass on residential properties. The bill also requires local governments to enact ordinances to carry out the bill's provisions, including establishing penalties. HB352 was tabled in its first committee.

- **House Bill 425** (Rep. Borrego) requires that zoning authorities permit accessory dwelling units on lots within nearly all single-family residential districts. The bill has not received a hearing yet.
- **As in past years, return-to-work bills are struggling this year.** Most have already been tabled. **Senate Bill 124** (Senator Padilla) is supported by the governor, but does not appear to be gaining much traction. We are disappointed that the bill requires a one-year employment break, which would make it more difficult for law enforcement to retain their certifications while not working. Subsequent employment is limited to three years, which we think may be too short to make a real dent in vacancy rates.
- **House Bill 139** (Rep. Cadena), which eliminates post-adjudication fees for criminal and traffic cases, including in municipal courts, passed House Judiciary and the House Appropriations and Finance committees, but was then re-referred to House Judiciary, an unusual occurrence. HJC passed a committee substitute version of the bill, which incorporates some provisions – related to allowing jail time or community service in lieu of fines or cost payments – from **House Bill 138**, also sponsored by Rep. Cadena. HB139 was then passed by HJC and will be heard next on the House floor. HB139 would take effect on July 1, 2024.

How a Bill Gets Passed in the New Mexico State Legislature

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, few bills make it all the way to enactment. The historic trend in the state 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, Acequias 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 – Rural Development, 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 – Committees' 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