



2019

LEGISLATIVE

PRIORITIES

Adopted By:
NMML Board of Directors
October 6, 2018
Santa Fe, NM

At the October 6, 2018 meeting, the New Mexico Municipal League Board of Directors adopted the following four priorities for the League's Action Program during the 2019 Legislative Session.

- **State and Local Tax Reform.** (*Resolution 2018-20*). Pertaining to Tax Reform that will provide adequate resources for local governments.
- **Taxation of Internet Sales.** (*Resolution 2018-25*). Regarding the distribution of the State Shared Gross Receipts Tax and Imposition of Local Option Gross Receipts Taxes on Remote Sales.
- **Funding of Streets, Roads and Bridges.** (*Resolution 2018-27*). Addressing increases in gasoline tax and motor vehicle excise tax to fund local transportation needs.
- **Enhancing Safety in Public Schools.** (*Resolution 2018-37 & Resolution 2018-34*). Proposes to:
 - amend the PERA conditions for retirement to allow retired law enforcement to be employed in public schools without penalty to their PERA benefits;
 - fund technology to enhance school safety;
 - amend statutes regulating possession of firearms to address **Extreme Risk Protection Orders (Red Flag Laws)** for individuals in crisis and to limit their access to firearms, and their ability to obtain them;
 - further increase penalties regarding school shooting threats to a felony;
 - support new bullying legislation to include monitoring and follow-up on threats made by social media; and
 - provide training through a School Safety Omnibus bill to respond to Active Shooters.

IN ADDITION, THE BOARD ALSO DETERMINED THE FOLLOWING ISSUES TO BE OF MUNICIPAL IMPORTANCE:

- Concerning the Sale, Transfer and Issuance of Liquor Licenses in New Mexico (*Resolution 2018-3*)
- Concerning State Grants for Libraries (*Resolution 2018-6*)
- Concerning the Re-submission of Legislation to Increase the Municipal Court Automation Fee (*Resolution 2018-9*)
- Concerning the Imposition of a Municipal Court Warrant Fee (*Resolution 2018-10*)
- Concerning DWI and Traffic Enforcement on Publicly Accessible Private Property (*Resolution 2018-33*)
- Concerning Moving the State Fire Marshal's Office out of the Public Regulations Commission (*Resolution 2018-38*)
- Concerning Library Broadband Infrastructure (*Resolution 2018-40*)
- Concerning Support for Responsible & Affordable Energy Transition Policies (*Resolution 2018-41*)

RESOLUTION 2018-20

CONCERNING STATE AND LOCAL TAX REFORM

Whereas, the New Mexico Municipal League is aware of various proposals for tax reform in the state; and

Whereas, the New Mexico Municipal League is generally supportive of state and local tax reform that will result in increased revenues for both state and local governments.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports creation of a Study Group to develop a tax reform plan for the State of New Mexico; and

Be It Further Resolved that the study group have representation from the New Mexico Municipal League and the New Mexico Association of Counties in order to give input on state and local tax reform.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-25

**CONCERNING DISTRIBUTION OF THE STATE SHARED GROSS RECEIPTS TAX
AND IMPOSITION OF LOCAL OPTION GROSS RECEIPTS TAXES
ON INTERNET SALES**

Whereas, the advent of the internet has dramatically changed the way people shop and pay for goods and services; and

Whereas, the growth of the use of the internet for shopping and paying for goods and services has outpaced the growth of shopping and paying for goods and services in brick and mortar local businesses; and

Whereas, use of the internet for shopping and paying for goods and services has resulted in decreasing state and local tax revenues because Gross Receipts Tax Laws need to be updated to provide a mechanism for collection of the Gross Receipts Tax on internet sales and payments; and

Whereas, in a recent Supreme Court Decision captioned **South Dakota v. Wayfair, Inc.** the court decided that states and local taxing jurisdictions could impose their taxes on internet sales; and

Whereas, the state entered into an agreement with Amazon in 2018 that requires Amazon to collect the State Gross Receipts Tax on sales in New Mexico; and

Whereas, with the Supreme Court decision municipalities should be able to impose their Local Option Gross Receipts Taxes on Internet Sales made in New Mexico; and

Whereas, Municipalities believe that the state should make a distribution to Municipalities of the State Shared Gross Receipts Tax just as it does with taxes collected by brick and mortar sellers.

Now, Therefore be it Resolved that the New Mexico Municipal League seek legislation that would enable Municipalities to impose Local Option Taxes on Internet Sales; and

Be it Further Resolved that the New Mexico Municipal League seek legislation that would require the State of New Mexico to make a distribution to municipalities of the State Shared Gross Receipts Tax on taxes collected on internet sale.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-27

CONCERNING FUNDING FOR MUNICIPAL STREETS, ROADS, BRIDGES, AIRPORTS, RAIL AND TRANSIT

Whereas, past investment plans have provided for more than one billion dollars for state highways; and

Whereas, other critical infrastructure projects still need to be addressed; and

Whereas, these projects are important for economic development within municipalities; and

Whereas, it is not enough to have an efficient state highway system, but rather it is essential that an effective, efficient transportation system be in place within municipalities in order to provide for the safe and efficient movement of people, goods and services; and

Whereas, transportation should be viewed not just as the state highway system, but as a complete network of state and municipal streets, roads, airports, bridges, rail and transit.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports continued funding for critical local projects where applicable, to follow, be guided by and adhere to current state transportation improvement plans established by, but not limited to, Metropolitan Planning Organizations, DOT Aviation Division and Regional Transportation Planning Organizations; and

Be It Further Resolved that a comprehensive plan of investment for critical transportation projects be developed with municipal input and that such plan identify alternative funding resources necessary to finance such plan including matching funds and in-kind services and set aside funding for rural areas; and

Be It Further Resolved that NMDOT Local Programs representatives be adequately staffed and properly empowered with top priority authority to provide local governments timely project processing and response to assure meeting all required funding timelines.

Passed, Approved and Adopted this 30th day of August at the City of Roswell, New Mexico.

RESOLUTION 2018-37

CONCERNING ENHANCING SAFETY IN PUBLIC SCHOOLS

Whereas, the Public Employee's Retirement Act (PERA) requires retired police officers to suspend their retirement cost of living adjustments if they are employed by a school whose employees are included under the Educational Retiree's Act (ERA) making it difficult to hire retired law enforcement officers.

Whereas, current state statutes have making a bomb threat a Felony, but currently state statues for making a school shooting threat, involving school campuses, or affecting students and school staff are classified as misdemeanors. This includes threats using social media.

Whereas, firearms possession is not regulated by state law for individuals with mental health issues, history of violence, or other demonstrated instability creating situations where currently individuals in crisis lawfully have access to firearms. Those individuals are not under any restriction from purchasing firearms in the unstable, crisis condition they are in.

Whereas, School districts have not been funded to upgrade and/or install any security measures they deem necessary to protect their students and staff including but not limited to technology to enhance school security with card access, surveillance cameras, perimeter fencing, staff/student/visitor ID systems, intrusion alarm systems, security/police on-site personnel, etc.

Whereas, statues to mitigate bullying have not been effectively enforced.

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports legislation to:

- amend the PERA conditions for retirement to allow retired law enforcement to be employed in public schools without penalty to their PERA benefits;
- fund technology to enhance school safety;
- amend statutes regulating possession of firearms to address **Extreme Risk Protection Orders (Red Flag Laws)** for individuals in crisis and to limit their access to firearms, and their ability to obtain them;
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