2012-2013

LEGISLATIVE PRIORITIES

Adopted By:
NMML Board of Directors
October 6, 2012
Santa Fe, NM
NEW MEXICO MUNICIPAL LEAGUE
2012-2013 LEGISLATIVE ACTION STATEMENT

The Board of Directors adopted their legislative priorities for the upcoming 2013 Legislative Session at the October 6, 2012 meeting. They approved a number of policies and resolutions outlining proposed legislation for the League’s Action Program.

In recognition of the continuing downturn in the economy and its effect on state and local finances the Board focused attention on the protection of municipal revenues. In addition, they highlighted the issue of preemption of local authority.

PROTECTION OF MUNICIPAL REVENUES. Any restructuring of available revenue sources by the state or federal government should not result in the loss of actual revenue to any municipality (*Sections 3.2.01 and 3.2.02 – Policy Statement*). At present, several state-levied taxes are shared with municipalities. Any change made in rates of state shared taxes must maintain or improve upon present distribution ratios. Any changes in the base for taxes should not reduce present or future revenues (*Section 3.2.05 – Policy Statement*). The state should not take any action to impair municipal bonds (*Section 3.4.03 – Policy Statement*).

PREEMPTION OF TAXING AUTHORITY. At both the state and federal level attempts are being made to preempt local government authority to tax certain transactions. Preemption of local taxing authority deprives local governments of the ability to raise revenue to provide service to their constituents. The League opposes federal and state legislation that preempts local taxing authority (*Section 3.2.12 – Policy Statement*).

UTILIZATION OF WATER CONSERVATION FEE. Under the federal Safe Drinking Water Act, municipalities are faced with increases in monitoring and analytical costs for compliance. The State should utilize the water conservation fee to pay for this increase in costs for municipalities as NMED has done in the past (*Section 2.1.09 – Policy Statement*).

GENERAL OPERATIONS. The Board of Directors adopted the following priorities regarding municipal government operations:

1. **Local Economic Development Act (LEDA)** – endorse a change in the New Mexico Economic Development Act to allow municipalities to utilize local economic development funds, for a wider range of qualifying entities than those currently allowed in New Mexico State Statute to include the use of local economic development funds for “economic development projects” for entities in the service and/or retail sectors, provided those economic development needs are identified in an economic development plan or strategy adopted by the municipality’s governing body (*Resolution 2012-8*).

2. **Convention Center Financing Act** – seek legislation to amend the Convention Center Financing Act to allow any municipality that wishes to construct, expand or operate a convention center, civic center, public recreation facility or arena to impose a fee of up to $2.50 per room to defray the cost of such construction, expansion or operation (*Resolution 2012-25*).

3. **Law Enforcement Protection Fund** – seeks legislation to increase the distributions from the Law Enforcement Protection Fund to a level that is sufficient for law enforcement needs (*Resolution 2012-37*).
RESOLUTION 2012-8
CONCERNING AMENDMENT TO THE LOCAL ECONOMIC DEVELOPMENT ACT
(LEDIA)

Whereas, municipalities throughout the state recognize the need to provide community leadership and to participate in economic and community development in order to maintain an acceptable level of services and an acceptable quality of life to the citizens of the municipality; and

Whereas, local government leaders desire to keep tax rates as low as possible while maintaining such services; and

Whereas, the LEDA provides an alternative vehicle with which to fund future activities; and

Whereas, the LEDA recognizes that, “it is in the best interest of the state, municipalities and counties to encourage local or regional solutions to economic development;” and

Whereas, municipalities throughout the state of New Mexico face unique obstacles to economic development and varying degrees of need; and

Whereas, the LEDA allows for the expenditure of LEDA funds by a local or regional government for economic development projects as defined in state statute; and

Whereas, the current restrictions of the LEDA require that only specifically defined “qualifying entities” are eligible for economic development assistance; and

Whereas, business entities from the retail and service sectors are currently not defined as qualifying entities under the LEDA; and

Whereas, business entities from the retail and service sectors are just as vital to the economic development and sustainability of communities in New Mexico.

Now, Therefore, Be It Resolved that the New Mexico Municipal League endorse a change in the New Mexico Economic Development Act to allow municipalities to utilize local economic development funds, for a wider range of qualifying entities than those currently allowed in New Mexico State Statute to include the use of local economic development funds for “economic development projects” for entities in the service and/or retail sectors, provided those economic development needs are identified in an economic development plan or strategy adopted by the municipality’s governing body.

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

2012 CEDGOHR Committee Priority: HIGH
RESOLUTION 2012-25

CONCERNING AMENDING THE CONVENTION CENTER FINANCING ACT

Whereas, the Legislature passed and the Governor signed the Convention Center Financing Act in 2003; and

Whereas, the Act allows a municipality with a population between seventy thousand and one hundred thousand to impose a Convention Center Financing fee of $2.50 for the use of a room within the area in which the fee is imposed; and

Whereas, municipalities of various sizes in the state operate or wish to operate convention centers, public recreation facilities and arenas and may desire to construct new or expand existing centers, public recreation facilities and arenas; and

Whereas, those municipalities do not meet the population requirements of the Convention Center Financing Act.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation to amend the Convention Center Financing Act to allow any municipality that wishes to construct, expand or operate a convention center, civic center, public recreation facility or arena to impose a fee of up to $2.50 per room to defray the cost of such construction, expansion or operation.

Passed, Approved and Adopted this 30th day of August at the City of Las Cruces, New Mexico.
RESOLUTION 2012-37

CONCERNING THE LAW ENFORCEMENT PROTECTION FUND

Whereas, the Law Enforcement Protection Fund (LEPF) is a state dedicated fund from which annual distributions are made to municipal, county, tribal and university police departments; and

Whereas, two distributions are made to municipal departments, one on a rating using the population class of the municipality as the basis, and the second based on an amount per full-time certified officer; and

Whereas, the LEPF monies may be used for equipment, advanced training, matching funds for federal grants, and up to 50% of replacement salaries for officers attending basic training; and

Whereas, costs of equipment and training continue to increase and new technologies are necessary to continue to provide quality service and protection; and

Whereas, the number of demands and responsibilities placed on law enforcement continues to increase while most departments are functioning at less than their full quota of officers; and

Whereas, available federal monies and grants to police agencies have all but disappeared; and

Whereas, the current LEPF distributions from the State are $20,000, $30,000 and $40,000 annually based on population and $600 per officer; and

Whereas, LEPF distributions have not been increased since 2000.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seeks legislation to increase the distributions from the Law Enforcement Protection Fund to a level that is sufficient for law enforcement needs.

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