



2020

**LEGISLATIVE
PRIORITIES**

**Adopted By:
NMML Board of Directors
October 5, 2019
Santa Fe, NM**

The New Mexico Municipal League Board of Directors adopted the following priorities for the League's Action Program during the 2020 Legislative Session.

TAXATION & REVENUE

- **Gross Receipts Tax Adjustment Notification to Local Governments.** (*Resolution 2019-28*). Seeks legislation that amends Section 7-1-6.15 to provide for notification if a gross receipts tax adjustment exceeds 20% of the annual monthly distribution over a 36 month period.
- **PERA.** (*Resolution 2019-29*). Supports legislation that will ensure that local governments will share proportionally in solvency solutions that increase the soundness of the municipal general, municipal police and municipal fire Divisions of the PERA Fund.
- **Hold Harmless Gross Receipts Tax Distributions.** (*Resolution 2019-42*). Supports legislation for a continuation of Hold Harmless GRT distributions.

PUBLIC SAFETY

- **EMS Funding.** (*Resolution 2019-31*). Supports an appropriation by the New Mexico State Legislature to the State Fire Marshal to conduct a statewide EMS assessment, in coordination with Department of Health EMS Bureau, using monies currently reverted from the Fire Protection Fund, to the State General Fund.
- **Law Enforcement Protection Fund.** (*Resolution 2019-35*). Supports legislation to distribute all remaining balances in the fund to the appropriate Law Enforcement Agencies.
- **Enhancing Safety in Public Schools.** (*Resolution 2019-36*). 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.
- **Fire Fund.** (*Resolution 2019-40*). Supports legislation that will ensure that funding is appropriated in the best interest of the Fire Protection Fund and its beneficiaries.

LIBRARY

- **State Grants for Libraries.** (*Resolution 2019-6*). Endorses the passage of legislation to increase the appropriation to the library division of the Cultural Affairs Department to provide grants-in-aid for local library services and operations.
- **2020 Bond Issue for Libraries.** (*Resolution 2019-14*). Endorses the passage of a State General Obligation Bond bill for \$17 million for funding libraries.

FEES & FUNDS

- **Court Automation Fee.** (*Resolution 2019-9*). Supports increasing the Municipal Court Automation Fee from \$6 to \$10, matching the \$10 fee currently collected in Magistrate and Metropolitan Courts.
- **State Aviation Fund.** (*Resolution 2019-15*). Supports removal of the Sunset provision and making the State Aviation funding permanent.

RESOLUTION 2019-28

CONCERNING AMENDMENT OF SECTION 7-1-6.15 NMSA, 1978

Whereas, the legislature amended Section 7-1-6.15 during the 2015 Regular Session; and

Whereas, a House Committee substitute was introduced that erroneously amended the section to provide that the Taxation and Revenue Department would be required to notify a municipality or county of a take back of gross receipts tax if the take back exceeded 20% of the previous 3 years average of gross receipts tax distributions; and

Whereas, the Committee substitute was passed by the House and Senate and signed by the Governor; and

Whereas, due to the error the Taxation and Revenue Department would not be required to notify the City of Albuquerque until an adjustment exceeded seventy one million dollars; and

Whereas, during negotiations regarding the amendments to Section 7-1-6.15 NMSA, 1978 the Taxation and Revenue Department and the League agreed that notice would be required if the adjustment exceeded twenty percent of the average monthly distribution over the previous 36 months; and

Whereas, Senate Bill 236 was introduced during the 2017 Regular Session to amend Section 7-1-6.15 NMSA, 1978 to provide that notice would be based on a 36 month average; and

Whereas, Senate Bill 236 passed the Senate by a vote of 40 to 0 and passed the House by a vote of 66 to 0; and

Whereas, the Governor vetoed Senate Bill 236 and in her veto message stated in pertinent part: "In a time when the state is struggling to find the resources it needs to maintain its most basic services, like public safety and education, and when the legislature has failed to provide the necessary resources, I cannot sign a bill that would send more money to our local governments at the expense of the General Fund".

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports legislation that amends Section 7-1-6.15 to provide for notification if an adjustment exceeds 20% of the annual monthly distribution over a 36 month period.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-29

CONCERNING THE PUBLIC EMPLOYEE RETIREMENT ASSOCIATIONS ESTIMATED \$6.0 BILLION UNFUNDED LIABILITY

Whereas, the New Mexico Municipal League will be an active member in the Solvency Task Force per The Executive Order calling for the establishment of a nineteen member Solvency Task Force to provide recommendations to address PERA's \$6.0 billion unfunded liability; and

Whereas, municipalities would support legislation that will insure the Employer / Employee contribution increases need to be based on the funded status by Division; and

Whereas, municipality budgets should not be adversely affected by any automatic increases in contribution rates that will be based on the funded status of a Division; and

Whereas, the Task Force must consider these recommendations to be actuarially sound, preserve the defined benefit offered by PERA, and also ensure intergenerational equity for current, future PERA members, retirees and employers.

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports legislation that will ensure that local governments will share proportionally in solvency solutions that increase the soundness of the municipal general, municipal police and municipal fire Divisions of the PERA Fund.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-42

CONCERNING MUNICIPAL HOLD HARMLESS GROSS RECEIPTS TAX DISTRIBUTIONS

Whereas, in 2004, the New Mexico Legislature exempted food and some medical services from Gross Receipt Taxes and provided payments to cities and counties to replace the lost revenue with a Hold Harmless Gross Receipts Tax; and

Whereas, in a last-minute action during the 2013 Legislative Session, lawmakers passed a bill to phase out the Hold Harmless payments over a 15 year period beginning in 2015; and

Whereas, the State of New Mexico has received an increase in revenue over \$1 billion and is projected to receive another \$1 billion surplus next year; and

Whereas, over a dozen of New Mexico's largest municipalities cannot replace the revenue lost from the State's exemption of the Food and Medical GRT from the tax base and the three-eighths hold harmless increment is insufficient to replace the loss in revenue.

Now, Therefore, Be it Resolved that the New Mexico Municipal League seeks legislation for a continuation of Hold Harmless GRT distributions.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-31

CONCERNING EMS FUNDING

Whereas, Emergency Medical Services (EMS) is the only health care that is universally available to all of New Mexico's residents and visitors regardless of ability to pay, particularly in rural communities; and

Whereas, pre-hospital treatment and transport by volunteer and paid emergency medical responders are the two most crucial components of emergency medical care; and

Whereas, the citizens demand and deserve an increasing level of care, however funding for training and necessary equipment is not available; and

Whereas, future access to this essential care will be dependent on adequate funding to ensure the best pre-hospital care is delivered through the providing of training, equipment, resources, medical direction, technical assistance, and quality improvement; and

Whereas, the current funding levels are inadequate and will prevent the future growth of EMS, and the decrease in providers and services will result in an increase in morbidity and mortality; and

Whereas, Fire and EMS services in New Mexico must have solid financial resources if they are to continue providing critical first response services in a consistent and reliable manner; and

Whereas, the majority of EMS first response services in New Mexico are provided by fire-based departments; and

Whereas, the New Mexico Municipal League (NMML) and the New Mexico Fire Chiefs Association (NMFCA) participated in and are members of a committee established by the New Mexico Association of Counties (NMAC) to develop specific policy recommendations and study issues related to sustainable EMS Services; and

Whereas, the NMML and the NMAC endorsed priority legislation in 2014 and 2015 for the creation of a study to evaluate the needs of EMS and identify an appropriate state-level recurring revenue stream dedicated to EMS; similar to that used for the Fire Protection Fund without diminishing or impairing the existing Fire Protection Fund; and

Now, Therefore, Be It Resolved that the NMML supports an appropriation by the New Mexico State Legislature to the State Fire Marshal to conduct a statewide EMS assessment, in coordination with Department of Health EMS Bureau, using monies currently reverted from the Fire Protection Fund, to the State General Fund;

Be It Further Resolved that recommendations from the EMS assessment will be used by the NMAC EMS Committee, to develop additional policy recommendations for the New Mexico State Legislature regarding appropriate funding levels and mechanisms for recurring funding for EMS services in New Mexico.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

2019 PS Committee Priority: **HIGH #4**

RESOLUTION 2019-35

CONCERNING THE LAW ENFORCEMENT PROTECTION FUND

Whereas, the purposes of the Law Enforcement Protection Fund Act (LEPF) is to provide for the distribution of money to qualified departments, for use in the maintenance and improvement of those departments and to sustain, at a reasonable level, payments to the surviving eligible family members of peace officers killed in the line of duty; and

Whereas, the LEPF was intended to establish, in the state treasury, a dedicated fund for the purpose of law enforcement protection. Such distributions are made to municipal, county, tribal and university police departments; and

Whereas, the LEPF monies may be expended as outlined in NMSA, 1978, Section 29-13-7 Expenditure limitation; and

Whereas, the cost of law enforcement equipment continually increases and expenditures are on the rise. It is imperative that law enforcement improve services with implementation of innovative technology and other resources that are necessary to continue to provide quality service and protection of citizens and their communities; and

Whereas, the costs of mandatory or advanced training and the expenses associated with attending one of the several locally operated law enforcement academies continue to increase every year and an allocation of resources is crucial to public safety; and

Whereas, available federal funding and grants to police agencies have all but vanished and community policing and safety remain a top priority for every agency, however, with such sparse resources, the ability to serve communities is compromised.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seeks legislation to distribute all remaining balances in the Law Enforcement Protection Fund, not otherwise obligated, to the appropriate Law Enforcement Agencies and any remaining balances shall not revert; and

Be It Further Resolved that a new state appropriation be created to be distributed to the satellite academies, including three regional academies, Southeastern New Mexico Law Enforcement Academy in Hobbs, San Juan County Criminal Justice Training Authority in Farmington, and Western New Mexico University Law Enforcement Academy in Silver City to provide for training that is legislatively mandated.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-36

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 statutes 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, statutes 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;
- 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.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

2019 PS Committee Priority: **HIGH #2**

RESOLUTION 2019-40

CONCERNING THE FIRE FUND

Whereas, the current practice of the New Mexico State Legislature is to use potentially unconstitutional notwithstanding language to divert funds from the Fire Protection Fund; and

Whereas, the current practice will be opposed by all beneficiaries of the Fire Protection Fund; and

Whereas, the Fire Protection Grant Fund shall only be used to support administrative services directly benefiting beneficiaries of the Fire Protection Fund; and

Whereas, the Fire Protection Fund shall only revert to the Fire Protection Fund; and

Whereas, the current statute ensures that increases to insurance excise tax goes in to the distribution to fire departments; and

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports legislation that will ensure that funding is appropriated in the best interest of the Fire Protection Fund and its beneficiaries.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-6

CONCERNING STATE GRANTS FOR LIBRARIES

Whereas, New Mexico public libraries provide books and other materials and services to meet the informational, educational, cultural and recreational needs of all New Mexicans; and

Whereas, the effectiveness of a library is determined by its ability to deliver current, accurate information in a timely manner through books and materials answering community needs; and

Whereas, advances in technology have made information resources increasingly accessible electronically; and

Whereas, the demand for library resources continues to rise while the cost of providing the resources is beyond local funding capacity; and

Whereas, publicly funded libraries have increased their effectiveness by sharing their resources electronically, enabling public, school and college libraries to coordinate the use of scarce library funds within the community and statewide; and

Whereas, public libraries have experienced a substantial growth in usage, yet many municipalities lack resources to support adequate funding for library collections and operating expenditures.

Whereas, the current state grants-in-aid distribution is \$.37 per capita; and

Whereas, the national average for public library state grants in aid is \$3.50 per capita; and

Now, Therefore, Be It Resolved that the New Mexico Municipal League endorses the passage of legislation to increase the appropriation to the library division of the Cultural Affairs Department to provide grants-in-aid for local library services and operations.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-14

CONCERNING 2020 BOND ISSUE FOR LIBRARIES

Whereas, New Mexico public libraries provide books and other materials to meet the informational, educational, cultural and recreational needs of all New Mexicans; and

Whereas, the effectiveness of a library is determined by its ability to deliver current, accurate information in a timely manner through books and materials answering community needs; and

Whereas, advances in technology have made information resources increasingly accessible electronically; and

Whereas, the demand for library resources continues to rise while the cost of providing the resources is beyond local funding capacity; and

Whereas, publicly funded libraries have increased their effectiveness by sharing their resources electronically, enabling public, tribal, school and college libraries to coordinate the use of scarce library funds within the community and statewide; and

Whereas, public libraries have experienced a substantial growth in usage, yet many municipalities lack resources to support adequate funding for library collections.

Now, Therefore, Be It Resolved that the New Mexico Municipal League endorses legislative passage of a General Obligation bond bill for \$17 million for libraries on the November 2020 general election ballot.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-9

CONCERNING THE RE-SUBMISSION OF LEGISLATION TO INCREASE THE MUNICIPAL COURT AUTOMATION FEE

Whereas, House Bill 235 was introduced in the 2018 Legislature by Representative Stephanie Garcia Richard; and

Whereas, House Bill 235 would make parallel the Municipal Court Automation Fee from \$6 to \$10, matching the \$10 fee currently collected in Magistrate and Metropolitan Courts; and

Whereas, House Bill 235 passed both the House and Senate; and

Whereas, Governor Susana Martinez pocket vetoed House Bill 235 without explanation.

Now, Therefore Be It Resolved that the New Mexico Municipal League requests the re-submission of the same type of bill to make parallel the Municipal Court Automation Fee from \$6 to \$10 during the 2019 Legislature.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-15

CONCERNING THE STATE AVIATION FUND; REMOVING THE SUNSET ON THE DISTRIBUTION OF A PORTION OF THE GROSS RECEIPTS TAX TO THE STATE AVIATION FUND

Whereas, Section 7-1-6.7 NMSA 1978 (being laws 1994, Chapter 5, Section 2, as amended) provides a distribution of a gross receipt tax percentage to the State Aviation Fund through June 30, 2021; and

Whereas, this funding stream is approximately 15-20 percent of the annual Aviation Division budget and 90 percent of this funding stream will go back to NM communities and 61 New Mexico public-use public owned aviation facilities projects (56 airports, 4 heliports, 1 seaplane base (Conchas Lake); and

Whereas, Funding will be utilized for infrastructure improvements, pavement maintenance and rehabilitation, fuel farms, general aviation terminals, and lighting projects at the sixty-one (61) public use, public owned aviation facilities throughout the State; and

Whereas, New Mexico's system of 61 public use aviation facilities serve as an integral connection between New Mexico's businesses and residents and the expanding global economy; and

Whereas, the Aviation Division mission includes maintaining and promoting a safe and effective air transportation system and utilizes this funding to leverage 90% Federal Aviation Administration grants for airports; and

Whereas, each fiscal year, New Mexico airports submit approximately \$40 million dollars in rational justifiable requests, the FAA funding only covers approximately ½ of this and NM Airports have estimated approximately \$500 million dollars in development costs over the next five years; and

Whereas, the aviation component of New Mexico's transportation infrastructure provides its citizens and businesses access to critical services such as air ambulance services, firefighting, agricultural spraying, law enforcement, military training, business travel, air cargo services, pilot training and tourism; and

Whereas, many of our General Aviation airports provide crucial emergency services such as:

- Medical air transport
- Firefighting services (Alamogordo, Silver City, Ruidoso)
- Other National/State Emergencies
- Homeland Security
- Customs/Border Patrol
- Law Enforcement
- Weather/Fuel Emergencies

Whereas, Airports in New Mexico account for over 18,000 jobs, have a payroll of \$715 million dollars and have an output of \$2.3 billion dollars.

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports removal of the Sunset provision and making the State Aviation funding permanent.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

