

LFC Requester:

Sunny Liu

### AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 01/28/2026

*Check all that apply:*

**Bill Number:** HB 185

Original X      Correction       
Amendment           Substitute     

**Sponsor:** Reps. Susan K. Herrera, Brian G. Baca, Joy Garratt, Debra M. Sariñana

**Agency Name and Code Number:** 305 – New Mexico Department of Justice

**Short Title:** Ped Secretary and School Board

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#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NA	NA	NA	NA

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NA	NA	NA	NA	NA

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NA	NA	NA	NA	NA	NA

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

Section 1 of HB 185 empowers the Secretary of Public Education to require remedial action from local school board members who willfully fail to perform duties mandated by law (Subsection A). If a member does not comply within at least 30 days after written notice, the Secretary may suspend the member until corrective action is taken (Subsection B). The suspension process includes notice of grounds, reinstatement steps, and the right to a hearing under the Administrative Procedures Act, with a further right to appeal to a district court (Subsection C). While a member is suspended, “the secretary of the secretary’s designee” may assume the duties of that member but only “to vote to break a deadlock in the approval of the annual budget for the member’s school district” (Subsection D).

**FISCAL IMPLICATIONS**

None for this office.

**SIGNIFICANT ISSUES**

None.

**PERFORMANCE IMPLICATIONS**

None.

**ADMINISTRATIVE IMPLICATIONS**

None.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

**TECHNICAL ISSUES**

None.

### **OTHER SUBSTANTIVE ISSUES**

Because affected school board members would be suspended as opposed to removed from office, the provisions in existing law related to filling vacancies on school boards between elections (*see* NMSA 1978, Sections 22-5-9 and -12 would apparently not apply.

### **ALTERNATIVES**

None.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

### **AMENDMENTS**

None.