

# **Legislative Priorities 2018**

**As approved by the  
Board of Directors  
August 4, 2017**

**THE NEW MEXICO ASSOCIATION OF COUNTIES  
EXECUTIVE COMMITTEE (as of August 2017)**

Officers	District Representatives
Susan Flores, President Otero County Commissioner	Carol Bowman-Muskett, District One McKinley County Commissioner
Rebecca Long, President Elect Lea County Commissioner	Gabriel J. Romero, District Two Taos County Commissioner
Mark Cage, Vice President Eddy County Sheriff	Susan Griffin, District Three Catron County Assessor
Tyler Massey, Past President Hidalgo County Treasurer	Betty Cabber, District Four Torrance County Assessor
Edward Moreno, Treasurer (Ex-Officio) Santa Fe County Commissioner	Linda Smrkovsky, District Five Luna County Commissioner
Steve Kopelman (Ex-Officio) NMAC Executive Director	Steven Boyle, District Six Otero County Assessor

**THE NMAC BOARD OF DIRECTORS (as of August 2017)**

Linda Stover, Bernalillo County	Carol Bowman-Muskett, McKinley County
Susan Griffin, Catron County	Paula Garcia, Mora County
Dave Kunko, Chaves County	Steven Boyle, Otero County
Corrine Padilla, Cibola County	Mike Cherry, Quay County
Linda Gallegos, Colfax County	Linda Padilla, Rio Arriba County
Wesley Waller, Curry County	Dennis Lopez, Roosevelt County
Becky Harris, De Baca County	Jimmy Voita, San Juan County
Enrique Vigil, Doña Ana County	Janice Varela, San Miguel County
Mark Cage, Eddy County	David Heil, Sandoval County
Gabriel Ramos, Grant County	Geraldine Salazar, Santa Fe County
Ernest Tapia, Guadalupe County	Glenn Hamilton, Sierra County
Phillip Trujillo, Harding County	Manuel Anaya, Socorro County
Tyler Massey, Hidalgo County	Gabriel J. Romero, Taos County
Rebecca Long, Lea County	Betty Cabber, Torrance County
Robert Shepperd, Lincoln County	Justin Bennett, Union County
Pete Sheehey, Los Alamos County	Jhonathan Aragon, Valencia County
Linda Smrkovsky, Luna County	
<b>Ex-Officio members:</b>	
Edward Moreno, Treasurer	Susan Flores, WIR Board Member
Jhonathan Aragon, NACo Board Member	Jim Fambro, Multi-Line Pool Board Representative
Tyler Massey, NACo Board Member	John Vasquez, Workers' Compensation Pool Board Representative
Carol Bowman-Muskett, WIR Board Member	Steve Kopelman, Executive Director



## NEW MEXICO ASSOCIATION OF COUNTIES

---

### 2018 NMAC LEGISLATIVE PRIORITIES

- **Forfeiture Act Reform**

Support legislation that would correct the unintended consequences of the 2015 amendments to the NM Forfeiture Act to address federal equitable sharing, storage of abandoned property, and expand local authority to seize and dispose of forfeited property while preserving due process protections.

- **Protecting County Funding of Healthcare**

Support the significant involvement of county policy makers in federal, state, and local healthcare, human services, and Medicaid planning, funding, and service delivery decision-making, and oppose any measure that would further shift federal and state healthcare costs to county government.

- **Tax Reform**

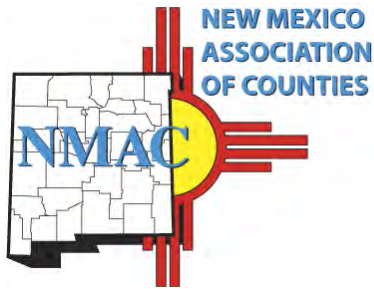
Support legislation that protects county revenue and does not have a negative impact on county government. NMAC strongly believes that counties must be at the table for and fully participate in all tax reform efforts; strives to minimize tax policy that places counties and other local governments in conflict; and opposes any efforts that reduce the state's hold harmless distribution to counties or that reduces county GRT authority.

- **Local Election Act**

Support legislation that would enact the Local Election Act, aligning the date for local, non-partisan elections with taxation authority, to the same day in the odd-numbered year.

- **Extend 2014 HB16 Liquor Tax Distribution Sunset**

Support legislation that would permanently increase the distribution percentage to the local DWI grant fund.



## **2018 NMAC LEGISLATIVE PRIORITY PROCESS**

### **Year-Round Policy Committee Meetings**

#### **May Advisory Council Meeting**

- Affiliates present legislative issues and final affiliate meeting agendas with possible joint meetings to the advisory council for discussion. NMAC staff summarizes affiliate legislative issues for the Legislative Committee.

#### **June Annual Conference**

- Affiliates submit legislative issues during conference.
- Non-elected official affiliates submit legislative issues through the Managers Affiliate for endorsement.

#### **July Legislative Committee Meeting**

- The Legislative Committee reviews and categorizes (legislative and non-legislative issues) policy committee, pool board, and affiliate legislative issues to determine if they have countywide impact and statewide significance.
- The Legislative Committee makes recommendations for the Board's August meeting.
- Non-legislative issues shall be referred to respective policy committees for further consideration.

#### **August Board Meeting**

- The Legislative Committee, policy committee chairs, pool board chairs, affiliate chairs and/or their designated representative present legislative issues to the Board for endorsement.
- The endorsed legislative issues to be considered as a NMAC legislative priority are then voted on by the Board, which selects a limited number as NMAC legislative priorities.
- Those endorsed legislative issues that are not voted as priorities may be advanced by the policy committee, pool board, and affiliates for legislative action with support from NMAC, as time and resources permit.

#### **September – December Legislative Interim Committee Meetings/Selection of Sponsor/Drafting**

- Board members present NMAC legislative priorities to Board of County Commission for endorsement and report to the NMAC Board at the October meeting on the commission discussion.
- Affiliates continue to work on legislative issues during fall affiliate meetings.
- NMAC presents bills to interim committees, identifies sponsors for proposed priorities, and Legislative Council Service drafts bills.
- Legislative interim committees may vote to endorse some bills at their last meeting.
- NMAC to write FIR responses for priorities.
- NMAC and NMML Executive Boards meet to discuss and endorse legislative priorities.



## NEW MEXICO ASSOCIATION OF COUNTIES POLICY STATEMENT

**The New Mexico Association of Counties' (NMAC) mission is to strengthen New Mexico counties' ability to govern their own affairs and to improve the well-being and quality of life of their constituents.**

### **County Government**

NMAC supports a policy making process in which all elected county officials and citizens have a voice and recognizes that each county government can best determine how to manage its own affairs and meet the needs of its constituents.

NMAC opposes preemption of local authority and any attempts to restrict local authority.

NMAC opposes unfunded mandates imposed on county government.

### **Economic Development & Infrastructure**

NMAC supports programs, such as LEDA and JTIP, that create and aid both public and private enterprises to plan, finance, and develop job-related industries, businesses, and facilities, including renewable energy production, that are compatible with local needs and desires.

NMAC supports a transparent, efficient, and effective capital outlay process.

NMAC supports affordable high-speed connectivity access.

NMAC supports adequate and recurring federal and state funding sources for public road, bridges, and transportation programs.

NMAC opposes any restriction on the ability of counties to assess fees against users of public rights-of-way or the right of local government to control rights-of-way, zoning authority, or the right to receive usage and rental compensation from telecommunication and other utility providers.

### **Elections and Accountable Government**

NMAC supports transparency in governmental decision-making, open elections, and increased voter participation.

### **Energy, Environment, and Natural Resources**

NMAC supports significant involvement of county policy makers in federal, state, and local environmental, energy, and natural resources initiatives.

NMAC believes that strong working relationships among federal, state, local and tribal entities aid land management and that federal and state government should not preempt local authority.

NMAC supports adoption of sustainable water management policies.

### **Healthcare and Human Services**

NMAC supports the significant involvement of county policy makers in federal, state, and local healthcare, human services, and Medicaid planning, funding, and service delivery decision making, and opposes any measure that would further shift federal and state healthcare costs to county government.

### **Justice and Public Safety**

NMAC supports adequate community behavioral health services and effective diversion of individuals with serious mental illness and substance abuse problems from county detention facilities.

NMAC supports effective and efficient delivery of public safety and emergency response services in all counties.

NMAC supports adequate funding for emergency medical services, 911 services, and the Local DWI Grant Fund.

NMAC supports effective and efficient criminal adjudication processes.

NMAC opposes unnecessary incarceration of youth and adults in county detention facilities.

NMAC supports continued and adequate funding for county detention facilities.

### **Taxation and Revenue**

NMAC supports tax reform efforts that improve economic efficiency, economic development, ease of administration, and overall fairness of the state and local tax system. It is essential that NMAC fully participate in legislative and executive efforts to restructure and reform the state and local tax system.

NMAC supports the following tax policy principles: simplicity, transparency, economic neutrality, and equity.

NMAC supports a high quality property tax valuation system designed to maximize equity, fairness, and transparency among property tax owners, while minimizing administrative complexity and confusion.

NMAC supports full federal funding of Payment in Lieu of Taxes and Secure Rural Schools.

NMAC opposes legislation that has a significant negative impact on county revenue.

NEW MEXICO ASSOCIATION OF COUNTIES  
CRIMINAL JUSTICE POLICY COMMITTEE LEGISLATIVE ISSUE #1

Short Title or Subject: Forfeiture Act Reform

Affected Affiliates: Sheriffs, Managers

Impact on County Revenues/Finances: Substantial and recurring

Requested as NMAC Legislative Priority for 2018 30-Day Session: Yes or No (circle one)

The New Mexico Association of Counties supports legislation that would correct the unintended consequences of the 2015 amendments to the NM Forfeiture Act to address federal equitable sharing, storage of abandoned property, and expand local authority to seize and dispose of forfeited property while preserving due process protections.

- In 2015 the legislature passed and the governor signed substantial amendments to the state Forfeiture Act.
- The 2015 amendments have had costly and unintended consequences to local law enforcement
- SB 202 (2017) was a 2017 NMAC priority.
- SB 202 addressed the concerns of the majority of sheriffs and was acceptable to a broad spectrum of stakeholders.
- SB 202 received unanimous support of the Senate and passed the House Judiciary Committee, but was never called up for a vote on the House floor.

Signed Susan Griffin  
Susan Griffin, Chair  
Criminal Justice Policy Committee Chair

Date 5/25/17

**SB 202 PROPERTY FORFEITURE AUTHORITY BY LOCAL AND STATE LAW  
ENFORCEMENT AGENCIES (2017 Session)**

**Sponsors:** Ivey-Soto; Wooley

**Summary:** Extends provisions of the Forfeiture Act to apply to all seizures, forfeitures and dispositions of property subject to forfeiture in the state (except contraband, controlled substances and deadly weapons). “Property subject to forfeiture” means property declared to be subject to forfeiture by the act, a state law outside of the act, or a local ordinance. Expands the authority of state and local law enforcement agencies to seize and dispose of forfeited property. Deletes the prohibition of retention of the forfeited property by a law enforcement agency. This bill made it through the Senate with no negative votes but was never called up for a vote on the House floor.



NEW MEXICO ASSOCIATION OF COUNTIES

HEALTHCARE POLICY COMMITTEE LEGISLATIVE ISSUE # 1

Short Title or Subject: Protecting County Funding of Healthcare Services

Affected Affiliates: All

Impact on County Revenues/Finances: Substantial

Requested as NMAC Legislative Priority for 2018 30-Day Session:  Yes or No (circle one)

The New Mexico Association of Counties supports the significant involvement of county policy makers in federal, state, and local healthcare, human services, and Medicaid planning, funding, and service delivery decision making, and opposes any measure that would further shift federal and state healthcare costs to county government.

- New Mexico counties currently pay 1/16<sup>th</sup> percent gross receipts tax (grt) to fund the New Mexico State Medicaid programs, and pay 1/12<sup>th</sup> percent grt to fund the State Safety Net Care Pool (SNCP) healthcare program.
- New Mexico counties bear the expense of continued funding for indigent health programs to support uninsured and underinsured populations, provide the single source of funding for health care for detention facility detainees, incur the cost of housing State Public Health Offices, and provide additional healthcare related services for other county residents who are part of the “working poor,” and therefore not eligible for Medicaid services.
- New Mexico counties oppose any measure or mandate that would further shift federal and state healthcare costs to counties.



Signed \_\_\_\_\_  
Liza Gomez  
Healthcare Policy Committee Chair

Date 7/19/17

NEW MEXICO ASSOCIATION OF COUNTIES  
TAX POLICY COMMITTEE LEGISLATIVE ISSUE #1

Short Title or Subject: Protect County Revenue

Affected Affiliates: ALL

Impact on County Revenues/Finances: \_\_\_\_\_

Requested as NMAC Legislative Priority for 2018 30-Day Session: Yes or No (circle one)

The New Mexico Association of Counties supports legislation on tax reform that protects county revenue and does not have a negative impact on county government. NMAC strongly believes that counties must be at the table for and fully participate in all tax reform efforts. NMAC strives to minimize tax policy that places counties and other local governments in conflict. NMAC opposes any efforts that reduce the state's hold harmless distribution to counties, or that reduces county GRT authority. NMAC reiterates the following positions:

- NMAC supports tax reform efforts that improve economic efficiency, economic development, ease of administration, and overall fairness of the state and local tax system. It is essential that NMAC fully participates in legislative and executive efforts to restructure and reform the state and local tax system.
- NMAC supports the following tax policy principles: simplicity, transparency, economic neutrality, adequacy and equity.
- NMAC supports a high quality property tax valuation system that is designed to maximize equity, fairness, and transparency among property tax owners, while minimizing administrative complexity and confusion.

Signed Katherine Miller

Katherine Miller  
NMAC Tax Policy Committee Chair

Date 6/16/2017

NEW MEXICO ASSOCIATION OF COUNTIES

CLERKS AFFILIATE LEGISLATIVE ISSUE # 1

*Short Title or Subject:* **Local Election Act**

*Affected Affiliates:* County Clerks

*Impact on County Revenues/Finances:* None anticipated based on the bill.

*Requested as NMAC Legislative Priority for 2018 30-Day Session:*  Yes

The Local Election Act seeks to align the election day for all local, non-partisan public bodies with ad valorem taxation authority. The target day for the Local Election is November of the odd-numbered year (one year away from the partisan General Election). The local elections would be administered by the County Clerk pursuant to the Election Code. This bill passed in 2017 (HB 174) and was pocket vetoed by the Governor.

- Previously endorsed by the Clerks Affiliate and the NMAC Board
- Will promote greater awareness in local issues by constituents

/s/ Dave Kunko  
Dave Kunko  
Clerks Affiliate Chair

Date: June 21, 2017

**NEW MEXICO ASSOCIATION OF COUNTIES**

**DWI AFFILIATE RESOLUTION # 1**

*Short Title or Subject: **Extend 2014 HB16 Liquor Tax distribution sunset***

*Affected Affiliates: **DWI***

*Impact on County Revenues/Finances: **Increase in LDWI Funding***

***Legislative Resolution** or Non-Legislative Resolution or Resolution for Congressional Delegation: (circle one)*

*Requested as NMAC Legislative Priority for 2017 Session: **Yes** or No (circle one)*

**WHEREAS**, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the local DWI grant fund in an amount equal to forty-one and fifty hundredths percent of the net receipts exclusive of penalties and interest, attributable to the liquor excise tax; and

**WHEREAS**, in 2014 HB16 allowed for a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the local DWI grant fund in an amount equal to forty-six percent of the net receipts exclusive of penalties and interest, attributable to the liquor excise tax and to sunset in fiscal year 2018; and

**WHEREAS**, the New Mexico DWI Coordinators rely on the annual distribution to the local DWI grant fund to provide services to DWI offenders to eradicate driving under the influence, provide behavior modification for DWI offenders and substance abusers, reduce the incidence of DWI, alcoholism, alcohol abuse and alcohol related domestic violence; and

**WHEREAS**, the New Mexico DWI Coordinators support legislation permanently setting the percentage of the distribution to forty-six percent of the net receipts of the State Liquor Excise Tax to the local DWI grant fund.

**NOW THEREFORE BE IT RESOLVED** that the New Mexico Association of Counties supports legislation that would permanently increase the distribution percentage to the local DWI grant fund.

Signed:   
\_\_\_\_\_  
Kelly Ford, DWI Affiliate Chair

Date: 6/22/2017