

## Session Summary

Sixty-day sessions are 'anything goes' legislatively, but the budget bill (HB2), remains the constitutional obligation and priority of the legislature. The budget for fiscal year 2024 totals \$9.44 billion, up 12% from last year, while maintaining a robust 30% reserve. New Mexico Counties (NMC) did well this year protecting existing funds and gained new line items for priority public safety needs. The final version of the budget maintained \$5 million for the Detention Reimbursement Fund, provides \$55 million for airports statewide, and included a new appropriation of \$3 million for District Court construction and renovations. In addition, the capital outlay bill (HB505) added another \$20 million for district courthouse needs.

NMC sought to find solutions for staffing vacancies in public safety, especially in detention facilities. House Appropriations & Finance Vice Chair Dixon and Minority Leader Lane successfully passed a bill (HB357) to create three separate workforce capacity building funds for law enforcement, public attorneys, and detention officers. The establishment of these funds should serve as a long-term resource for workforce development. The Governor also attempted to advance return to work legislation (SB124) to assist with staffing vacancies, but the bill failed to pass.

Several long-awaited affiliate initiatives ultimately came together for final passage. The Probate Judges' Affiliate bill (SB248) provided changes to probate functions, including the ability to sign orders remotely. The Inspection of Public Records Act (IPRA) reform bill (HB 232), a priority for the Attorneys' Affiliate, provides needed clarification for county offices around disclosure of sensitive material. The body camera bill (SB 368) allows for certain exceptions for law enforcement officer safety when working undercover and dismantling explosive devices.

The Assessors' and Treasurers' Affiliates had several big wins with the passage of the assessors' increased compensation for certification (SB324) and amendments to the Commercial Property-Assessed Clean Energy bill (HB228). NMC remained neutral on the two large election reform bills, but the election code changes (SB180) passed with the inclusion of the Clerks' priorities, including the NMC priority of clarifying IPRA as it relates to election documents. The Fire & Emergency Managers' Affiliate was successful in securing a commitment from the Department of Information Technology to reimburse counties for the cost of public safety radio subscriber fees.

The final week of the 2023 regular legislative session ended a successful 60-day run for NMC. Run being the operative word! The waning hours held several surprises and noteworthy accomplishments. When the tax package (HB357) crossed over from the House to the Senate in the final days it reduced the Local DWI (LDWI) funds to 37.25% from 43% of the State Liquor Excise Tax. The DWI affiliate agreed to this reduction, however, Senate amendments dramatically reduced the funding percentage to 23.75%. Luckily, when the bill came back for concurrence, the House moved NOT to concur with the Senate changes. The House and the Senate each selected three members for a conference committee in the hopes of finding common ground and saving the tax package. While there were several highly contentious items such as film tax credits, PIT, liquor excise tax, and capital gains, the biggest concern for NMC was protecting the LDWI funding. In a 48-hour last minute push through several rounds of negotiations, the NMC legislative team persuaded the committee to increase the LDWI funding back to 40%.

Joy Esparsen, Executive Director  
505.660.9629  
jesparsen@nmcounties.org

Grace Philips, General Counsel  
505.690.6319  
gphilips@nmcounties.org

Katherine Crociata, Government Relations  
505.350.9357  
kcrociata@outlook.com

We are excited to share our other successes with you and collaborate on how we can build upon them during the interim. The original tax proposal included a provision to remove certain industries from gross receipts taxes (HB367) which would have created a negative fiscal impact to counties of approximately \$23-\$35 million without a viable offset. NMC was successful in getting the provision removed this year, but we anticipate it will return in 2024. We also anticipate that EMS funding will continue to be a priority next year. Your help in gathering data will be critical in seeing additional funding in HB2 in the 2024 30-day budget focused session. There is much to celebrate, but a lot of work lies ahead of us. Happy belated Sine Die!

## Appropriations & Finance

---

### **HB2**      **General Appropriation Act of 2023**      **Small, Dixon**

Senate Finance Committee amendment for HB 2 & 3 replaces the content of the House-version of the General Appropriation Act of FY 2024. It appropriates \$9,417,787,200 from the General Fund for FY 2024. It allocates an additional \$17,241,839,000 from other state sources and federal funds. The measure makes appropriations for FY 2024 in 10 umbrella categories of state agencies.

**NMC Priority; Signed by the Governor**

### **HB505**      **Capital Project Appropriations Statewide, Public Facilities**      **Lente**

House Taxation and Revenue Committee substitute for HB505 is the listing of \$1,234,519,983 in capital outlay appropriations from the General Fund and other funds for numerous capital projects, including land acquisitions, building construction, facilities improvements, equipment and furnishings, vehicles, senior center meals, mechanical building improvements, roadway improvements, waterway infrastructure, school facilities, railroad improvements, etc. **NMC Priority; Signed by the Governor**

### **SB192**      **Additional Appropriations & Confidentiality**      **Muñoz**

Senate Finance Committee substitute to SB192 adds additional appropriations to the legislature, judicial and state agencies for the purposes specified. Requires Legislative Council Service to publish a searchable list of the appropriations, the names of each legislator who allocated a portion of each, and the verified amount. The list shall be published on the LCS website within a specified time period.

**Signed by the Governor**

### **SB241**      **Prosperity & Economic Resilience Act**      **Muñoz**

Cited as the Prosperity and Economic Resiliency Act, identifies nine categories of need that require significant effort and funding by the state to solve or rectify problems. Creates the Prosperity and Economic Resiliency Council. Creates the Prosperity and Economic Resiliency Permanent Fund and the Prosperity and Economic Resiliency Program Fund and provides for annual distributions. Appropriates \$1.001 billion (GF, nonreverting) for transfers to the Funds and to DFA to carry out the act.

**Failed Legislation**

## Assessors

---

### **HB24**      **Responsibility for Sidewalk Repair**      **Garcia, M.**

Relates to sidewalk improvements fronting private property. Shifts responsibility from the property owner or agent to counties or municipalities for the repair, improvement, or construction of a sidewalk fronting an individual parcel of land, when the governing body determines the work is necessary for compliance with existing standards. **Failed Legislation**

### **HB228**      **Improvement Special Assessment Act**      **Serrato, Small, Ortez**

Modelled on the Solar Energy Improvement Special District Act, the Improved Special Assessment Act allows counties to adopt ordinances establishing an improvement special assessment district within a designated region, providing a mechanism by which the private owners of eligible private property can finance permanently affixed energy efficiency, renewable energy, water conservation or resiliency improvements as part of construction or renovation of the property. House Commerce and Economic Development Committee Substitute for HB228 removes provisions relating to the county collection of these special assessments and enforcing the liens. **Signed by the Governor**

## HB512 Public Property Sales & Counties

Lara

For purposes of disposing of obsolete, worn-out, or unusable tangible personal property and sale of real property, removes counties from the term "local public body" (this change will now provide counties the same exemption already granted to municipalities and school districts). This has the effect of exempting counties from the statutory rules (Chapter 13, Article 6) governing such sales or other disposals of property. **Vetoed by the Governor**

## SB152 County Industrial Bond Changes

Neville

Repeals Sec. 4-59-15 of the County Industrial Revenue Bond Act that generally disallows a county from competing with an existing business. **Failed Legislation**

## SB324 County Assessor Certification Pay

Gonzales, Borrego

Allows county assessors and appraisers to receive additional cumulative compensation from the board of county commissioners, up to \$3,500 per year, depending on the level of Appraiser Certificate the appraiser has, to both compensate appraisers for their attained level of expertise and to motivate appraisers to seek higher level certificates. **Signed by the Governor**

## SB338 Transfer of Property Affidavits

Neville

Relates to the filing and exemptions for filing of an affidavit with the county assessor for the transfer of nonresidential property; mineral or subsurface estate of real property; and a deed, patent or contract for sale or the transfer of land used primarily for agricultural purposes. **Failed Legislation**

## Clerks & Elections

### HB4 Voting Rights Protections

Martínez, J., Chasey, Duhigg, Johnson, Lara

Proposes changes to the Election Code intended to expand voting access and protect voter rights, including reinstating voting rights to felons upon release; creating a voluntary permanent absentee voter list; providing monitored secured containers for ballots; permitting registration at a voting location prior to voting; protecting voter rights and polling place access through the Native American Voting Rights Act; and making general and local election days school holidays. Senate Rules Committee amendment restores current statute that data be used for governmental or election and campaign purposes only. It authorizes a waiver of the requirement that each county has at least two monitored secured containers for ballots if, due to geographic or security constraints, a county clerk requests a waiver from the Secretary of State. **Signed by the Governor**

### HB318 Election Board Compensation & Changes

Lujan, Lente, Diamond

Makes changes to the procedure for accepting and processing absentee ballots, retaining voting records and the time for processing certificates of registration and cancellations of voter registration; increases pay for election board members. **NMC Priority; Failed Legislation (Included in SB180)**

### HB399 5 Member County Commission Boards

Herrera, Jaramillo, Madrid, Lujan

Establishes that the Board of County Commissioners of a county with a population greater than 35,000 in the 2020 federal census is to consist of five qualified electors. Also establishes a one-time procedure to redistrict and elect County Commissioners to the newly established five-member County Commission Boards beginning Jan. 1, 2025. **Failed Legislation**

### SB43 Intimidation of Election Officials

Duhigg

Amends the crime of intimidation to include inducing or attempting to induce fear in any employee or agent of the Secretary of State, a County Clerk, a Municipal Clerk, or a member of an election board for the purpose of impeding the free exercise or impartial administration of elections; such intimidation is a 4th degree felony. **Signed by the Governor**

### SB180 Election Code Changes

Duhigg, Jaramillo, Chasey

This 178-page bill makes numerous changes to the Election Code, largely directed at ensuring the security of elections and the safety and rights of voters in elections. The most significant changes are

the creation of an elections security program, required training for election challengers and watchers, changes to the membership of election boards and allowing electronic signatures on nominating petitions. The Senate Rules Committee amendment adds a section to protect the confidentiality of a public official's home address. **Signed by the Governor**

## Civil Rights

---

### **HB7**      **Reproductive Health Care**      **Serrato, Little, Ortez, Szczepanski, Anyanonu**

Prohibits a public body from discriminating against a person based on their use of or refusal to use reproductive health care services or to seek gender-affirming care as defined in the bill. The House Judiciary Committee amendment clarifies (a) that the act applies to an entity or individual acting on behalf of or within the scope of authority of a public body; (b) that a discriminatory action includes the use or refusal of gender-affirming health care services; (c) services that are not required and those that are; and (d) that civil actions or claims that arise from acts or omissions of individual employees and agents of a public body or entity may not be brought against an individual, but only against the public body or entity. **Signed by the Governor**

### **HB207**      **Expand Human Rights Act Scope**      **Ortez, Romero, Hamblen, Wirth, Serrato**

Amends the Human Rights Act to extend provisions against discrimination to any governmental entity or public contractor refuses, limits, or places conditions on services to a person in a protected category. Clarifies that those categories include gender, as well as gender identify, and mental disability. Adds new definitions. The House Judiciary Committee amendment amends the definition of "governmental entity" to mean the state or any public body. **Signed by the Governor**

### **HB333**      **Civil Rights Act Statute of Limitations**      **Alcon**

Would have virtually eliminated the statute of limitations and notice requirements for claims under the New Mexico Civil Rights Act. According to the bill, the statute of limitations would not begin to run until the claimant consulted with an attorney about a potential claim. Current statute states that a claim must be made within three years of an alleged deprivation of a civil right. **Failed Legislation**

## Detention & Law Enforcement

---

### **HB139**      **Eliminating Court Fees**      **Cadena**

Eliminates post adjudication court fees in criminal and traffic cases; provides additional ways of performing community service to pay fines and costs; and increases credit for community service and confinement in lieu of payment. **Signed by the Governor**

### **HB344**      **Retired Public Employees in Corrections**      **Lane, Cadena, Terrazas**

Permits a retired public employee to return to work as a uniformed detention officer with a county adult or juvenile detention facility without suspension of retirement benefits prior to July 1, 2026.

**NMC Priority; Failed Legislation**

### **HB357**      **Law Enforcement Workforce Fund**      **Dixon, Lane, Hochman-Vigil, Armstrong, Garratt**

House Judiciary Committee Substitute for House Bill 357 retains the intent of the original to increase the available workforce and provide initiatives to recruit and retain high-quality officials for law enforcement (local and state police) and public attorneys (public defenders and prosecutors). The substitute adds corrections workforce to the initiative; creates three separate workforce capacity building fund committees, one for each group, and administratively attaches all three committees to the Department of Finance and Administration, giving DFA authority to administer and disburse money from the various funds. **NMC Priority; Signed by the Governor**

### **HM40/SM37 Task Force: Compliance with Federal Prison Rape Elimination**      **Cadena, Chasey, Pope**

Requests that the New Mexico Coalition of Sexual Assault Programs, Incorporated convene a task force to make recommendations for policy and legislative changes to improve compliance of local, county, state and federal jails and detention and correctional facilities with the federal Prison Rape Elimination

Act of 2003. The task force includes a representative from NMC as well as representatives from rural and urban county jails. **Signed by Officers of the Senate**

**SB19**      **Law Enforcement & Public Safety Telecommunicator Professions**      **Maestas**

Provides mechanisms to strengthen law enforcement and public safety telecommunicator professions and training and authorizes the suspension of law enforcement officers who fail to submit proof of required in-service training. Amends the New Mexico Law Enforcement Standard and Training Council's and the Law Enforcement Certification Board's membership and duties. Appropriates \$3.9 million (GF) to the Law Enforcement Academy and the Law Enforcement Certification Board for specified purposes. Senate Judiciary Committee Substitute for SBs 19 contains elements from SB252. Of significance, is the inclusion of an "unlawful use of force" policy that prohibits certain types and levels of physical force by a law enforcement officer and imposes discipline penalties depending on the seriousness of the unlawful physical force. **Signed by the Governor**

**SB172**      **No Detaining for Federal Immigration Violations**      **Ortiz y Pino, Maestas**

Prohibits housing or detention of individuals for federal civil immigration violations by state or local law enforcement, law enforcement officials, or any unit of state or local government. Requires those entities to terminate any contract or intergovernmental agreement to house or detail civil immigration violators by January 1, 2024; and prohibits any future agreements or transactions that would have the effect of supporting such detention. **Failed Legislation**

**SB252**      **Law Enforcement Officer Procedures Act**      **Pope, Rubio**

Prohibits unlawful use of force by a law enforcement officer; specifies procedures for independent review of use of force and circumstances to be considered; provides penalties; imposes a duty to intervene and prohibits retaliatory action; mandates adoption of agency policies and training regarding use of force and a protocol for reporting officer-involved injuries or deaths; specifies procedures for announcing and showing search warrants. **Failed Legislation**

**SB310**      **Crisis Triage Centers**      **Ortiz y Pino, Gallegos**

Authorizes crisis triage centers to choose to accept involuntary admission of individuals from law enforcement. **Signed by the Governor**

**SB368**      **Law Enforcement Body Camera Exceptions**      **Pope**

Provides exceptions to body-worn cameras requirement for law enforcement officers in the following instances: (1) when notifying a member of the public of a death, (2) if the officer is conducting a sanctioned undercover operation, or (3) if the officer is conducting an explosive recovery and disposal operation. **Signed by the Governor**

**SB399**      **Solitary Confinement Limits**      **Maestas**

Would have changed the definition of restricted confinement to be less than 7 hours of time out of a cell each day and would have prohibited use of restricted confinement for anyone under 21 or over 50, or anyone who is gay or transgender, pregnant or postpartum regardless of other classification considerations. Would have made changes to the reporting policy for people placed in restricted housing. **Failed Legislation**

**SB425**      **County Detention Facility Treatment Programs**      **Ortiz y Pino, Romero, Hochman-Vigil**

Requires development of regulations to govern medication assisted treatment in jails and prisons. Requires NMCD to continue and expand MAT for inmates in custody. **Signed by the Governor**

**SB491**      **Health Premium Tax for Law Enforcement**      **Muñoz**

Enhances the base of the Premium Tax distribution to the Law Enforcement Protection Fund as a way to grow the balances in the Law Enforcement Retention Fund by adding certain fees derived from health insurance business in New Mexico to that base. **Signed by the Governor**

## Employment & Retirement

**HB106**      **Increases Public Employee Pension**      **Alcon, Caballero, Rehm, Vincent, Terrazas**  
Boosts the maximum pension amount from 90 percent to 100 percent of the final average salary for those employees covered by certain state and local pension plans. **Signed by the Governor**

**HB150/SB193**      **Retiree Health Care Contributions**      **Figueroa, Stewart**  
For participating employees who are not members of an enhanced retirement plan, the employer's contribution rises from 2% to 2.33% and the employee's from one percent to 1.17%. For participating employees who are members of an enhanced retirement plan, the employer's contribution goes from 2.5% to 2.93% and the employee's from 1.25% to 1.47%. **Failed Legislation**

**HB245**      **Employee Free Speech Act**      **Chávez, Anyanonu, Gurrola, Caballero, Ivey-Soto**  
Prohibits employers from taking any adverse employment action against an employee for refusing to go to an employer-sponsored political meeting or listen to a speech about an employer's political opinions. **Failed Legislation**

**HB410**      **County Official Salary Caps**      **Pettigrew, Ingle, Lundstrom, Townsend, Ezzell**  
Raises salary maximums of elected county officials in Class A, Class B (both high valuation and intermediate valuation) and H class counties by approximately 22.5% and adjusts those salaries annually according to the consumer price index, starting July 1, 2024. **Failed Legislation**

**SB11**      **Paid Family & Medical Leave Act**      **Stewart, Padilla, Chandler, Serrato, Caballero**  
Proposes the Paid Family and Medical Leave Act; creates a temporary Paid Family and Medical Leave Implementation Advisory Committee in the Workforce Solutions Department and the Paid Family and Medical Leave Fund. The act's purpose is to compensate employees taking leave to: bond with a child; take measures to protect an employee or family member who is a victim of domestic violence, stalking, or sexual assault; or provide care for themselves or family members experiencing a serious health condition. Appropriates \$36.5 million (GF) to WSD. **Failed Legislation**

**SB63**      **Disclosure of Finalists' Names for Executive Positions**      **Tallman, Cadena, Chasey**  
Changes the requirements of the Inspection of Public Records Act to require a state agency or institution or political subdivision of the state to disclose and prominently post on its website the names and resumes of finalists for appointive executive positions. The identity of other applicants or candidates that are not finalists would remain confidential and not be subject to inspection under the act. **Failed Legislation**

**SB96**      **Public Safety Officer Pensions**      **Muñoz, Lane**  
Increases the pension amount for state police, correctional officer, and probation and parole officer members under coverage plan 1 to a maximum of 100 percent of the final average salary (current maximum is 90 percent). **Failed Legislation**

**SB124**      **Public Employees Returning to Work**      **Padilla**  
Permits a retired public employee under any coverage plan to return to work for an affiliated public employer and continue to receive their pensions, under certain conditions; and increases maximum amount of a PERA pension for long-time employees from 90 to 100 percent of final average salary. (Governor's Bill) **Failed Legislation**

## Fire & Emergency

**HB277**      **First Responder Survivor Benefits**      **Harper, Vincent, Martinez, Chasey, Szczepanski**  
Increases the allowable supplemental death benefit for a firefighter killed in the line of duty that is paid to a surviving spouse or surviving children from \$250,000 to \$1 million; applies to a death occurring on or after January 1, 2022. It was determined that the retroactive date created a constitutional problem. **Failed Legislation**

**HB345 Firefighter Recruitment Fund****Borrego, Lujan, Maestas**

Creates a non-reverting "firefighter recruitment fund" within State Treasury administered by the Department of Homeland Security and Emergency Management Department to recruit paid firefighters amid a statewide (and nationwide) shortage of firefighters. **Pocket Vetoed by the Governor**

**SB21 Prohibit Prescribed Burning During Red Flags****Griggs**

Prohibits a person or a federal, state, local, or tribal governmental entity from conducting a prescribed burn between March 1 and May 31 of any year. The Senate Judiciary Committee amendment removes the prohibited timeframe. The bill now prohibits a prescribed burn when the National Weather Service has issued a red flag warning for the area where the prescribed burn was planned. It also prohibits a prescribed burn on a landowner's property when the State Forester or a local government issues restrictions because of drought "or wind" conditions. The Senate floor amendment adds an emergency clause. **Signed by the Governor**

**SB23 Adjust Distribution Formula for EMS Fund****Campos**

Adjusts the distribution formula for the Emergency Medical Services Fund to increase by one percent each the annual percentages of fund monies that may be used for the funding program and for improvement projects, and to decrease from three to one percent the monies that may be used for administrative costs. Appropriates \$10 million to the Fund for use in FY2024 and subsequent years.

**NMC Priority; Failed Legislation****SB250 Firefighter Survivor Benefits****Burt**

Increases the allowable death benefit for a firefighter killed in the line of duty that is paid to a surviving spouse or surviving children from \$250,000 to \$1 million. **Signed by the Governor**

**SB409/SB473 Digital Trunked Radio Communications Fees****Burt, McKenna, Hernandez, Campos**

Appropriates \$6.5 million (GF) to the Department of Information Technology for use in FY2024 to fund the payment of subscriber fees for the digital trunked radio communications system for municipal, county and tribal public safety agencies that provide law enforcement, fire, medical or other emergency services. **NMC Priority; Failed Legislation**

## Health Services

---

**HB407 Disposition of Deceased Next of Kin****Anyanonu, Johnson**

Amends the Public Health Act to provide for disposition of an unclaimed body after due diligence to inform the legal next of kin. The House Government, Elections and Indian Affairs Committee amendment deletes "a commercial establishment" from the list of entities to whom authorization may be enlisted or submitted regarding the remains of the decedent to be cremated; and (2) authorizes the flat amount of \$1,000 to be paid by a county out of the General Fund or the Health Care Assistance Fund for the burial or cremation of the unclaimed decedent. House Floor Amendment 1 makes four changes: (1) directs notification to the county if no claimant is found to assume the cost of burial, and authorizes the county to perform additional due diligence if reasonably necessary; (2) reduces from 15 to 14 days the timeframe allowed for reasonable opportunity for the next of kin to claim a body; (3) reduces from 15 to 14 days the minimum time after death or discovery for a county to bury or cremate an unclaimed decedent; and (4) requires a county to store cremated remains for at least one year for eligible veterans who qualify for veteran burial benefits. **Signed by the Governor**

**SB7 Rural Health Care Delivery Fund****Stefanics, Armstrong, Matthews**

Creates the Rural Health Care Delivery Fund to be administered by the Human Services Department to provide grants to defray operating costs of rural health care providers that provide new or expanded health care services; and appropriates \$200 million (GF, nonreverting) to the Fund for use in FY2024 and subsequent years. The Senate Health and Public Affairs Committee amendment expands the grants to include defraying of facility start-up costs. It removes the restriction that a grant may be awarded to a "newly constructed" rural health care facility and simply permits a grant to a rural health care provider or rural health care facility that is providing a new health care service, regardless of the construction date. It

includes dental care and medical or behavioral health ground transportation in the definition of “health care services” and includes reasonable direct expenses, not including general overhead and management fees paid to a parent corporation, in the definition of “allowable costs.” The Senate Finance Committee substitute adds a requirement that grantees be enrolled Medicaid providers actively serving Medicaid recipients, and that in prioritizing grants, the Human Services Department consider the long-term sustainability of the new or expanded services. The substitute strikes the appropriation.

**Signed by the Governor**

**SB379**      **Curry County Behavioral Health Facility Funds**      **Woods, Ingle**

Appropriates \$39 million from the Consumer Settlement Fund of the Office of the Attorney General to DFA's Local Government Division for use in FYs 2023 through 2025 to design, construct and equip a behavioral health facility in Curry County. **Failed Legislation**

## Information Technology

---

**HB232**      **Disclosure of Certain Information**      **Sariñana, Ivey-Soto, Block, Lord**

Amends the Inspection of Public Records Act by enacting a new section regarding disclosure of law enforcement records; excepting from disclosure certain information concerning IT systems, submissions to grant programs, land leases and scholarship programs and proprietary technical or business information; exempts from public records disclosure information that could compromise critical information concerning IT systems. **Signed by the Governor**

**HB336**      **Data Integration Advisory Committee**      **Serrato, Dixon, Hernandez, Harper, Rehm**

Creates a temporary Data Integration Advisory Committee in DoIT to conduct a study on current data structure, sharing, and reporting protocols for all state and local agencies. The Committee is to suggest procedures for efficiently maintaining and sharing data and a long-term structure for statewide data management and sharing. Appropriates \$2 million (GF) to NM Institute of Mining and Technology for use in FYs 2024 and 2025 to manage the Committee and oversee the development of its report.

**Failed Legislation**

**SB280**      **Cybersecurity Act**      **Padilla, Sariñana**

The act creates a new Cybersecurity Office administratively attached to the Department of Information and Technology (DoIT) to be centrally responsible for cybersecurity for all state agencies and to create recommendations for non-executive agencies and local and tribal governments. Creates the State Information Security Officer and Cybersecurity Advisory Committee. Amends the DoIT Act to include in the duties of the IT Rate Committee review and approval of rates and fees for Cybersecurity Office services as well as approval of other agency rates and fees. Requires reports. The Senate Finance Committee substitute makes changes to the makeup of the Cybersecurity Advisory Committee and adds an appropriation of \$300,000 (GF) to the Cybersecurity Office for use in FY2024 for staff and operations of the Office and expenses of the Committee. The House Appropriations and Finance Committee amendment strikes the appropriation. **Signed by the Governor**

## Natural Resources

---

**HM59**      **Study Capping Abandoned Water Wells**      **Brown**

Requests that the legislative interim committee that studies issues pertaining to water and natural resources be requested to conduct a study of the feasibility of establishing and strengthening requirements for capping abandoned water wells on private and public property. The committee is to obtain information and testimony from the New Mexico Municipal League, the New Mexico Association of Counties, and the Office of the State Engineer. **Signed by Officers of House**

**HJR4**      **CA: Environmental Rights**      **Ferrary, Caballero, Lujan, Herndon**

**SJR6**      **CA: Environmental Rights**      **Sedillo Lopez, Pope, Pinto**

Proposes a constitutional amendment by adding a new section to Article 1 that provides the people of



the state with environmental rights. Includes the right to clean and healthy air, water, soil and environments, a stable climate, and self-sustaining ecosystems. Directs the state counties and municipalities to serve as trustees of the natural resources of New Mexico for the benefit of all the people and by repealing the current pollution control provisions of Art. 20, Sec. 21. **Failed Legislation**

**SB9**                      **Create Legacy Permanent Funds**                      **Neville, Wirth**

Creates two new nonreverting legacy funds within the State Treasury meant to help cover the costs of environmental, cultural and historical preservation; appropriates \$75 million (GF, nonreverting) total to this end. The Conservation Legacy Permanent Fund is created to invest in land grants and the Land of Enchantment Legacy Fund is created to be spent on ecological conservation and cultural conservation. It appropriates \$25 million and \$50 million to these funds respectively. The Senate Conservation Committee amendment increases the dollar amounts required for annual distributions. The Senate Finance Committee substitute provides greater specificity in the administration of the Funds and includes the Conservation Legacy Permanent Fund in the Permanent Funds invested by the State Investment Council. It strikes the \$75 million appropriation to the two Funds. **Signed by the Governor**

**SB271**                      **Equine Definition**                      **Hamblen**

Establishes provisions for notice and disposition concerning an equine estray, an equine running at large, and a cruelly treated equine. Requires the Livestock Board to adopt rules for a process to issue a temporary capacity waiver to a facility for the purpose of transferring equines in Board custody to a facility. Renames the Horse Shelter Rescue Fund as the Equine Shelter Rescue Fund. Defines "equine" (a horse, pony, mule, donkey, or hinny) as a substitute for "horse" in the Livestock Code. The Senate Judiciary Committee amendment clarifies the timing of certain actions for disposition of estrays. **Signed by the Governor**

**SB301**                      **Free-Roaming Horses**                      **McKenna, McQueen**

Creates a procedure and process to assess and remove wild horses in certain circumstances (rewrite of SB 385 of 2021 Reg.). The 2023 bill would allow a qualified "free-roaming horse expert" to determine whether a piece of land has exceeded capacity for a herd of wild horses and grants the expert authority to remove the horse if certain conditions are met. (Livestock Board may approve qualifications of the expert for purpose of managing a range). **Failed Legislation**

---

## Taxes & GRTs

---

**HB323**                      **Changes the Name of Gross Receipts Tax**                      **Harper, Lente, Cadena, Martínez, Maestas**

Re-brands all of the state and local gross receipts taxes as state or local sales taxes. For example, all cites to the "leased vehicle gross receipts tax" become "leased vehicle sales tax". Similarly, "compensating" taxes become "use" taxes. The Legislative Finance Committee reports that there will likely be unanticipated administrative problems implementing this name change. **Failed Legislation**

**HB367**                      **Gross Receipts Rates & Professional Services**                      **Harper, Shendo, Hernandez, Block**

Lowers the state rate of gross receipts and compensating taxes from the current 5% to 4.625% as of July 1, 2023. Converts the existing deduction for selling professional services to manufacturers to a deduction for selling professional services. This change removes certain industries (i.e., technical, engineering, accounting) from the GRT revenue through an anti-pyramiding provision. (Governor's Bill) The estimated revenue loss to counties would be approximately \$23-\$35 million. **Failed Legislation**

**HB547**                      **Tax Relief Package; Except Tobacco, Liquor & Professional Services**                      **Lente**

The House Taxation and Revenue Committee substitute features additional cash rebates of 2021 income taxes, more progressive but generally lower income tax rate schedules, transition to sales factor only apportionment for corporations, phased-in lower gross receipts tax rates, higher taxes on alcohol and tobacco products, repurposing of liquor excise tax receipts to harm mitigation, new or revived tax credits for electric vehicles and geothermal electricity generation or storage systems, bigger film credits and new gross receipts and compensating tax deductions. After a series of House floor and Senate amendments, the HB547 conference committee agreed to compromises that include

increases to capital gains deductions, a single sales factor apportionment, eliminating the sunset on military PIT, a phased in 0.5% GRT reduction in the state rate, liquor access tax increases of 20%, establishment of the Alcohol Harms Alleviation Fund, moving the tobacco tax increase to the Tobacco Settlement Permanent Fund, eliminating the tax increase on e-cigarettes/vaping cartridges, providing a 100% GRT deduction for certain health care practitioners, increasing the Film Tax Credit for above-the-line partners, adding a sunset on benefits for non-resident film crews, keeps the Senate changes for the Rural Film Tax Credit, caps aggregate geothermal tax credits, and fixes the Motor Vehicle Excise Tax Distribution. **Signed by the Governor with Line-Item Vetoes**

**SB474**      **School District In-Lieu-Of-Taxes Payments**      **Shendo**

Currently, municipalities and counties are not allowed to acquire electrical generation or transmission projects unless the school districts within the acquiring jurisdiction receive annual in-lieu tax payments. Amends the in-lieu payments are to be calculated by dividing (1) the sum of the average of all the mills levied by each school district within the municipality or county plus the state's debt service mills by (2) the average of the mill rate for all entities levying property taxes in the municipality or county.

**Signed by the Governor**

---

## Probate Judges

---

**SB248**      **Probate Court Changes**      **Ivey-Soto, Garcia, H.**

Makes extensive administrative changes to the structure, administration, operation, and jurisdiction of county probate courts, and clarifies funding obligations of a county. Provides that county clerks shall be clerks of probate courts unless the county commissioners designate a separate probate clerk and provides for their duties; provides for substitution of a recused or disqualified judge; specifies a county's financial obligation to support the probate court; addresses record retention and transfer of certain cases to district court; provides for filing fees; and aligns the terms of probate judges statewide. The Senate Health and Public Affairs Committee amendment strikes the establishment of a probate court in each county; strikes the requirement that the judge of the probate court review a death certificate and enter an affidavit of death into the record; revises the hours of operation of a probate court; and authorizes a separate clerk of the probate court to appoint deputy clerks.

**Signed by the Governor**

---

## Treasurers

---

**HJR5**      **CA: Disabled Veteran Property Tax**      **Alcon, Garcia, Block, Martinez, Caballero**

Proposes an amendment to Article 8 of the Constitution to extend a property tax exemption to veterans with less than a 100% disability (and their widows and widowers). Bases the amount of the exemption on the veteran's federal disability rating for a service-related injury.

**Signed by Officers of the Senate**

**HJR6**      **CA: Increase Tax Exemption for Veterans**      **Alcon, Garcia, Block, Martinez, Borrego**

Proposes to amend Art. 8, Sec. 5 of the Constitution to increase the property tax exemption for honorably discharged military veterans and their widows and widowers from \$4,000 to \$10,000, as of 2024, and \$10,000 adjusted for inflation beginning annually in 2025.

**Signed by Officers of the Senate**

**HJR10**      **CA: Increase Tax Exemption for Veterans**      **Borrego**

Proposes to amend Art. 8, Sec. 5 of the Constitution to increase the property tax exemption for honorably discharged military veterans and their widows and widowers from \$4,000 to \$5,000 in 2024.

**Failed Legislation**

**HJR11**      **CA: Provide Property Tax Exemption for Certified Full-Time Firefighters**      **Borrego**

Proposes to amend Article 8, Section 5 of the state Constitution to create a property tax exemption in the amount of \$5,000 for certified state and local firefighters who are employed full-time by the state or a local government. **Failed Legislation**