



2024 Final Legislative Report

Session Summary

As New Mexico Counties (NMC) wraps up a historic 30-day Legislative Session, it is with a profound sense of gratitude that we reflect on the significant legislative and executive financial investments for New Mexico's counties. County members played a pivotal role in legislative advocacy. Your insights and expertise about how legislation will impact your communities and your legislative relationships were instrumental in the success of the NMC legislative priorities. This Session was marked by collaboration and a shared commitment among multiple stakeholders, resulting in legislation that addresses the pressing needs of our counties and sets the stage for a more prosperous future for all New Mexicans.

HB 2: General Appropriations Act of 2024 focused largely on critical funding for public safety initiatives:

- \$25M Detention & Corrections Recruitment
- \$25M Firefighter & EMT Recruitment
- \$11M EMS Bureau (contingent on passage of SB 151)
- \$5M Detention Reimbursement
- \$2.5M DoIT 700 Mhz Radios

The final days and hours of the Session were action packed and brought passage of several NMC priorities. SB 148: Repealing Taxation & Revenue Administrative Fees passed on the final evening of the session. This bill abolishes the Taxation and Revenue Departments' authority to impose an administrative fee for the collection and distribution of local option gross receipts and compensating tax. This fee elimination will provide an additional \$26M to counties after a delayed implementation period. SB 151: Insurance Premium Tax Distribution to the EMS Fund passed on the final day of the session after additional efforts in House Appropriations. This bill will provide a much-needed reoccurring revenue stream for EMS statewide. In addition, SB 275: Capital Outlay included \$10M for the Administrative Office of the Courts to continue matching funds for district courthouse construction and renovations statewide.

County official salaries are capped by statute and the cap has not increased since 2018. After unsuccessful attempts to be deemed germane or receive a message from the Governor, NMC introduced SJR 16: County Official Salaries (Constitutional Amendment) to authorize County Commissions to set elected official salaries. SJR 16 passed on the final evening and will be a ballot initiative in November. More to come on this in the months ahead.

Finally, after years of negotiating with the unions, perhaps the most useful public safety tool to address critical vacancies, HB 236: PERA Public Safety Return to Work passed in the late hours of the final night of the Session. HB 236 will allow retired members to return to work in specific public safety positions for up to three years while collecting their pension. Eligible positions include adult detention officers, courthouse security officers, emergency medical dispatchers, emergency medical technicians or paramedics, firefighters, juvenile detention officers, public safety telecommunicators, sheriff's deputies, and state police officers. NMC will be providing more detailed information about how this law will work in the coming months.

Congratulations on a successful legislative session. You are our most effective advocates. Thank you for your support!

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Appropriations & Finance

HB 2 General Appropriation Act of 2024

Small, Dixon

House Appropriations and Finance Committee substitute for HBs 2 and 3, a 252-page bill, provides a fully fleshed out state budget for state agencies in FY2025 in the General Appropriation Act of 2025. **NMC Priority; Signed by the Governor**

HB 177 New Mexico Match Fund

Dixon, Armstrong, Woods, Campos, Herrera

Creates the New Mexico Match Fund administered by the Department of Finance and Administration to make grants to eligible entities for state matching funds for federal grants and to offset higher project costs incurred to comply with federal requirements. Appropriates \$100 million (GF, nonreverting) to the fund for use in FY 2025 and beyond to provide grants. **Signed by the Governor**

SB 275 Capital Outlay Projects

Rodriguez

Senate Finance Committee Substitute for SB 275 contains 248 pages of appropriations from the General Fund and other state funds and provides for the issuance of severance tax bonds. It details numerous projects statewide across all state agencies. Sets timeframes for reversion of unexpended appropriations to the General Fund and other state funds; specifically addresses certain appropriations and transfers. **Signed by the Governor**

Assessors

HM 44/ SM 10 Property Assessment Disparity Correction Correct Property Assessment Disparities

Neville, L. Jaramillo
Sanchez

Requests the NM Association of Counties convene statewide meetings with community members and county assessors to create sound legislation based on principles of good tax policy, treating residential and nonresidential property fairly and equitably to correct disparities in valuation to benefit economic development for all property owners. Resolves that legislation be proposed to limit annual property tax valuation increases and address impacts on the transfer of property in farming and ranching communities. **HM 44 Died on House Floor; SM 10 Died in Senate Rules**

Clerks & Elections

HB 19 Election Offense - False Electors

Chasey, Anyanonu, Duhigg

Creates two new crimes related to election offenses: disrupting election results and falsely acting as a presidential elector. Both carry the penalty of a third-degree felony. **Died on House Floor**

HB 242 Marriage & Divorce Changes

Gallegos, Ivey-Soto

Makes sweeping changes to provisions for who may marry in New Mexico. Authorizes issuance of a license to any otherwise eligible couple regardless of sex, sexual orientation, gender, gender identity, race, ethnicity or national origin. Raises the legal age for marriage to 18, further restricts marriage between certain related persons. Provides only two grounds for dissolution of a marriage: incompatibility, or that the marriage is void, voidable or invalid. Provides processes for dissolution of void, voidable or invalid marriages. Makes certain marriages void, voidable or invalid and raises the possibility of criminal liability for entering into marriages no longer permitted. Amends fees. Allows appearance by remote communication for issuance of a marriage license for uniformed services members deployed or on active duty. Makes conforming changes throughout. Repeals Secs. 40-1-16 and 40-1-20. **SUBSTITUTE:** While House Judiciary Committee substitute for HB 242 preserves the intent of the original bill, it introduces 10 new sections of law that formalize the legal status of domestic partnerships in New Mexico. It also retains most of the earlier provisions that make sweeping changes to laws regarding marriage and dissolution of marriage in New Mexico. **Died on House Floor**

Employment & PERA

HB 6/SB 3 Paid Family & Medical Leave Act

Chandler, Serrato, Stewart, 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; to take measures to protect an employee or family member who is a victim of domestic violence, stalking, or sexual assault; to provide care for themselves or family members experiencing a serious health condition, or following the death of a minor child; or to take leave for a family member on active military duty. The program exempts employers with fewer than five employees, as well as those who offer similar or better self-funded benefits packages that don't wish to participate. Federal employees would not be subject to the program, nor would tribes and pueblos (but tribes and pueblos may elect to participate).

HB 6 Died in House Health & Human Services; SB 3 Failed on House Floor 34-36

HB 11 Paid Family & Medical Leave Insurance Act

Matthews

Cited as the Paid Family and Medical Leave Insurance Act, the bill creates the Paid Family and Medical Leave Authority (Authority) as an independent agency governed by a policy-making board, to administer a new program that will offer employees of private and public entities up to six weeks of compensation annually to cover family and medical leave. Creates a Paid Family and Medical Leave Insurance Fund (Fund) whose main source of monetary support would derive from covered employees who enroll and contribute to the Fund, as well as potential legislative appropriations. Employers make no monetary contributions beyond the considerable cost of their functional role in accounting for and paying employee contributions to the Fund. Compensation received by employees is subject to state and federal income tax. Penalties for employee fraud range from petty misdemeanors to a third-degree felony. **Died in House**

Health & Human Services

HB 236/ SB 87 Public Safety Retirees Return to Work

Chasey, Stewart, Lane, A. Martinez, Terrazas Brandt, Ivey-Soto

Permits retirees to return to work for an affiliated public employer after a hiatus of at least 90 days. Applies to retired adult correctional officers, adult detention officers in certain public safety positions, courthouse security officers, emergency medical dispatchers, emergency medical technicians or paramedics, firefighters, juvenile correctional officers, juvenile detention officers, municipal police officers, public safety telecommunicators, sheriff's deputies, and state police officers, with certain conditions. **NMC**

Priority; SB 87 Died on House Floor; HB 236 Signed by the Governor

HB 241/ SB 177 Increase Salary Caps of Elected County Officials

Pettigrew, Townsend, Brown, Duncan Campos

Increases the maximum salaries of all elected county officials. Provides for an annual Consumer Price Index escalator adjustment. **NMC Priority; HB 241 Died on the House Floor; SB 177 Deemed not Germane**

HJR 13/ SJR 16 CA: Commissioners to Determine County Officers' Salaries

Pettigrew Neville, De La Cruz

Proposes to amend Article 10, Section 1, of the state Constitution to authorize a board of county commissioners, rather than the Legislature, to set the annual salary of county officers. Clarifies that all fees collected by a county official are to be paid into the county treasury. **NMC Priority; HJR13 Died in House Judiciary; SJR 16 Passed; Ballot Initiative in November**

Ethics

HB 8 State Government Ethics Changes

Cates

Amends the Governmental Conduct Act. Contains a public policy statement (later removed in HJC Substitute) recognizing that a government position is a public trust and declares it the public policy of the State that the powers and resources of state and local public office should only be used to advance the public interest and not to obtain personal benefits or to pursue private interests. Makes various changes aimed at ensuring proper conduct within the ranks of current and former legislators and public employees and clarifies certain prohibitions related to that; increases penalties for violations. **Died in Senate Judiciary**

Health Services

HB 149/ SB 35 **Medication for Juveniles in Treatment Programs Medication-Assisted Treatment for Minors** **Parajón, Herndon Ortiz y Pino, Cates**

Requires the Health Care Authority Department to promulgate rules for operation of medication-assisted treatment in inpatient and outpatient substance abuse treatment programs for minor patients; prohibits the Department of Health and Children, Youth and Families Departments from operating or contracting with programs that restrict such treatment; and prohibits Medicaid-funded facilities and programs from restricting such treatment. Requires Reports. Creates the Evidence-based Addiction Treatment for Minors Fund and requires rulemaking. **HB 149 Died in House Appropriations & Finance; SB 35 Deemed not Germane**

SB 14 **Executive Reorganization: Health Care Authority** **Stefanics, Stewart, Padilla, Wirth**

A 225-page bill that creates the Health Care Code and updates the name of the Health Care Authority throughout numerous sections of law relating to the duties, powers and responsibilities of the Human Services Department (HSD) which will become defunct on July 1, 2024, when the Health Care Authority becomes an operative cabinet-level agency of government and assumes all of HSD's authority. (NMLR note: last year's bill which created the Health Care Authority was merely a shell that legislated by reference without going into all sections of law and making necessary changes to transfer specific authority from one cabinet-level agency to the other. SB 14 makes the technical changes necessary to complete the transfer of authority.) The bill also contains several substantive changes and two new sections of law. **Signed by the Governor**

SB 52 **Emergency Rural & Frontier Hospitals Funds** **Woods, Pettigrew, Johnson**

Appropriates \$51 million (GF) to the Department of Health for use IN FYs 2024 and 2025 to provide emergency funding to rural and frontier hospitals with fewer than 35 beds. **Died in Senate Finance**

SB 146 **Hospital Acceptance of Health Plans** **Steinborn, Small**

Senate Floor Substitute for Senate Tax, Business and Transportation Committee Substitute for SB 146 cuts the original bill in half and now only requires county hospitals, or a contracting hospital, to provide affordable payment plans to patients under certain circumstances. The originally contemplated provision requiring county hospitals to accept certain insurance plans has been stricken from the bill. **Died in the Senate; Did not Concur with House Amendments**

Information Technology

SB 129 **Cybersecurity Act Changes** **Padilla, Sariñana**

Narrows reach of Cybersecurity Office rules, adds to the Office's duties and changes membership of Cybersecurity Advisory Committee. **Pocket vetoed by the Governor**

Natural Resources

HJR 4/ SJR 8 **CA: Environmental Rights** **Ferrary, Sedillo Lopez Sedillo Lopez, Pinto, Lopez, Ferrary, T. Lujan**

Proposes an amendment to Article 2 of the state Constitution to provide the people of the state with environment rights, including the right to clean and health air, water, soil and environments, a stable climate and self-sustaining ecosystems, and directs the state, counties and municipalities to serve as trustees of the natural resources of the state for the benefit of all people. **HJR 4 Died in House Energy, Environment & Natural Resources; SJR 8 Died in Senate Rules**

SB 187 **No Local Authority Over Air Quality Control Act** **Lopez**

Removes local authority to administer the Air Quality Control Act. Clarifies that the jurisdiction of the Environmental Improvement Board extends to all areas of the state. Makes conforming changes to remove all references to a local agency, local authority, and local board in the Air Quality Control Act. **Died in Senate Conservation**

Public Safety

HB 27 **Extreme Risk Protection Order Changes** **Garratt, Chandler, Parajon, Duhigg**
The second substitute clarifies the unique circumstance when an attorney employed by a District Attorney or Attorney General shall petition for an order, that is, when the respondent is a law enforcement officer. It adds law enforcement officers to the list of possible reporting parties who may request an officer to file a petition. The substitute eliminates the option for an oral petition to the court by the officer; petitions must be in writing. It clarifies that upon a respondent's request that the court terminate an order, the court shall schedule and issue notice of a hearing to the parties, and changes responsibility for providing for entry and removal of the order from the National Crime Information Center and other notice systems. **Died on House Floor**

HB 88/ **Firefighter Recruitment Fund in DFA** **Borrego, T. Lujan, L. Jaramillo**
SB 21 **Local firefighter Recruitment** **Borrego, L. Jaramillo, Hemphill**
Directs the Department of Finance and Administration to establish a program to distribute appropriated funds for statewide and local firefighter recruitment. Appropriates \$35 million (GF) to the Department of Finance and Administration for use in FYs 2025 and 2027 for statewide and local firefighter recruitment. **NMC Priority; Included in HB 2**

HB 258/ **Premium Tax for Emergency Services** **Armstrong, Duncan, Vincent, Harper**
SB 151 **Campos, Woods, Diamond**
Distributes a portion of the Premium Tax from health insurance business to the Emergency Medical Services Fund. Senate Tax, Business and Transportation Committee Substitute for SB151 adds a \$11 million (GF, non-reverting) appropriation to the Emergency Medical Services Fund for use in FY2025 and beyond to carry out the purposes of the Fund; it also pushes the effective date for all provisions, except the appropriation, from July 1, 2024 to July 1, 2025. **NMC Priority; HB258 Died in House Taxation & Revenue; SB 151 Signed by the Governor**

HM 45 **Prison Rape Legislation Task Force** **Chasey**
Requests that the New Mexico Coalition of Sexual Assault Programs task force reconvene and continue its work to make recommendations to the legislative Health and Human Services Committee, the interim committee dealing with Courts, Corrections and Justice issues and the Crime Victims Reparation Commission by November 1, 2024. The task force is to make recommendations for policy and legislative changes to improve local, county, state and federal jails' and detention and correctional facilities' compliance with the federal Prison Rape Elimination Act of 2023. **Passed**

SB 5 **Firearms Near Polling Places** **Wirth, Szczepanski, McKenna, Cervantes**
Prohibits possession of a loaded or unloaded firearm within 100 feet of the entrance to a polling place on election day or within 50 feet of a postal collection box or monitored secured container. Prohibition does not apply to (1) security personnel authorized by an appropriate municipal or county election official or (2) a certified law enforcement officer in the performance of official duties. Violation is a petty misdemeanor. **Signed by the Governor**

SB 271 **Repeat Felony Offender No Bond Hold** **Ivey-Soto, Cervantes**
Creates automatic no-bond hold if a repeat felony offender violates conditions of release by committing another felony. Places the duty to order the hold on the court (instead of the chief court clerk as in original bill) and requires that the person be held until each judge assigned to any pending previous felony charge, or another judge assigned for that purpose, considers modification or revocation of the person's conditions of release. **Signed by the Governor**

Taxes & GRTs

HB 179 **Liquor Tax Changes & Uses** **Ferrary, Sedillo Lopez, Thomson, Pinto, Johnson**
Effective July 1, 2025, bill increases liquor excise tax rates for the period July 1, 2025 through June 30, 2028 and, effective July 1, 2028, further increases the rates by applying a CPI-based index to those rates. Amends existing distributions of liquor excise tax revenues and adds a distribution to the Alcohol Harms Alleviation Fund, established by the bill. **Died in House Taxation & Revenue**

HB 212 **Liquor Tax Rate & Fund** **Cadena, Lente, Parajón**
Changes rates of the Liquor Excise Tax to a percentage basis; amends the distribution of the Liquor Excise Tax; creates the Alcohol and Substance Use Harms Alleviation Fund; and repeals the Local DWI Grant Program Act and Fund. **Died in House Health & Human Services**

HB 213 **Liquor Taxes & Definitions** **Cadena, Lente, Parajón, Hernandez**
Makes the retailer, not the wholesaler, the taxpayer. Changes tax rates to a percentage of the price paid to the retailer. Changes revenue distributions and creates the Alcohol Substance Abuse Harms Alleviation Fund. Effective July 1, 2025. **Died in House Taxation & Revenue**

HB 217 **Liquor & Car Tax Distributions** **Harper, Hochman-Vigil**
Increases distributions from the Liquor Excise Tax to the Local DWI Grant Fund and the Drug Court Fund and eliminates distributions to the City of Gallup while adding a distribution to the Health Care Authority Department. Also increases distributions from the Motor Vehicle Excise Tax to the State Road Fund and the Transportation Project Fund while eliminating distribution to the General Fund. **Died in House Taxation & Revenue**

SB 148 **Local Government Tax & Administration Fees** **Ivey-Soto, Lane**
Amends the Tax Code to abolish the Taxation and Revenue Department's authority to impose an administrative fee on a municipality or a county for processing distributions from either a municipal or county Local Option Gross Receipts and Compensating Tax to these local units of government. Makes a commensurate change by repealing Sec. 7-1-6-.41 which authorizes the administrative fees to be deducted from the distribution of revenues to a municipality or county. **Signed by the Governor**