

Resolution No. 20-59
Resolution Supporting the New Mexico Counties
2021 Legislative Priorities

WHEREAS, The New Mexico Counties (NMC) Board of Directors approved several legislative issues for consideration by the New Mexico Legislature during the 2021 session, *and*

WHEREAS, NMC has requested that the Board of County Commissioners in each of the state's 33 counties discuss and approve support for NMC's legislative priorities as an important step in assuring maximum understanding of NMC's legislative priorities at the county level; *and*

WHEREAS, county support enables NMC to demonstrate strong local and statewide support to the state legislature for the following issues:

1. **Revisions to SB 8 - Law Enforcement Body Cameras;**
2. **Disposition of personal property for counties;**
3. **Allow non-profits to receive capital outlay funds directly from the state;**
4. **Amend Solar Energy Improvement Special Assessment for commercial real estate only.**


WHEREAS, Luna County opposes unfunded mandates imposed on county government and opposes legislation that has a significant negative impact on revenue, budgets, and liabilities:

1. **Legislation that would create new civil rights cause of action under the NM Constitution;**
2. **Legislation that would create a new special valuation or classification re: leased residential solar taxed as personal property**

NOW, THEREFORE, BE IT RESOLVED that the Luna County Board of County Commissioners does hereby support NMC's legislative priorities as set forth above, and urges that legislation incorporating these priorities be enacted by the state legislature, and those that we oppose be tabled for further discussion and or revision during its 2021 session.

ADOPTED this 19th of November, 2020.



BOARD OF COUNTY COMMISSIONERS OF LUNA, NEW MEXICO

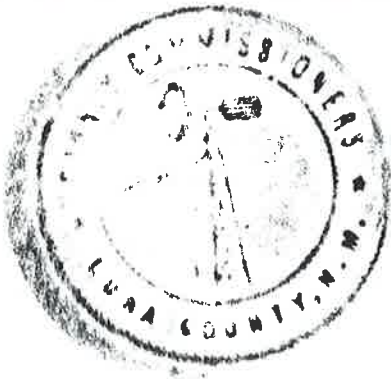

John Sweetser, Chair, District 3 For / Against


Barbara L. Reedy, District 1 For / Against


Linda M. Smrkovsky, District 2 For / Against

ATTEST:


Andrea Rodriguez
County Clerk
by: 
chief deputy



New Mexico Counties 2021 Legislative Issues

Priority Issue

County Government

NMC opposes unfunded mandates imposed on county government and opposes legislation that has a significant negative impact on revenue, budgets, and liabilities.

Supported Issues

Revisions to Senate Bill 8: Law Enforcement Body-Worn Cameras

- SB8, passed during the June 2020 Special Session, took effect 90-days after bill signing (September 20, 2020).
- Counties did not have adequate time to develop policies for training, storage, and funding.
- Counties did not receive an appropriation from the legislature to implement the bill and due to the timing of the bill passage missed federal funding opportunities. Significant costs include data storage, equipment and additional staffing.

Disposition of Personal Property for Counties

- Revise the New Mexico Statutes Annotated to include counties with municipalities and school districts in regards to the statutes on the disposition of property.
- Counties should receive the same personal property exemption as municipalities and school districts.

Allow Non-Profits to receive Capital Outlay Funds Directly from the State

- Allow qualified and established non-profit organizations to secure capital outlay and other programmatic funding directly from the state legislature without having to go through local government that must own the capital improvement.
- Nonprofit capital outlay requests should be considered and acted upon separate from local government capital outlay requests, so that there is no competition for funding.
- Requests from non-profits for capital outlay incur challenges as part of managing county operational and capital budgets.
- Many non-profit organizations provide valuable community services that government cannot; counties recognize the contributions of non-profits and want to be part of a solution that helps them become more self-sufficient without county ownership of their capital improvement.
- This issue may not be relevant to smaller counties in New Mexico, but is becoming a management and financial challenge for larger counties.

Amend Solar Energy Improvement Special Assessment to apply to Commercial Real Estate Only.

- Amend Section 4-55C-3, Solar Energy Improvement Special Assessment, to remove the residential property assessment as passed in 2019 House Bill 440; the Treasurers' Affiliate 2019 legislative issue supported only Commercial Property Assessed Clean Energy (C-PACE), opposing residential property assessments.
- HUD stopped insuring new FHA mortgages in 2017 with residential energy improvement assessments, citing growing taxpayer risk to repay loans, refinance, or sell their homes.
- Significant issues: 1) county treasurers are not private loan collectors per their constitutional duties; 2) federal agency reluctance to purchase debt with PACE may hurt local real estate markets; 3) increased property tax bills may hinder property tax revenues for local entities; and 4) lack of consumer protections may encourage predatory lending practices.

Opposed Issues

Legislation that would create a New Civil Rights Cause of Action under the NM Constitution.

- Greatly expands liability for public entities—state, counties, cities, schools, acequias, soil and water conservation districts, etc.—so that New Mexico will become the most generous and plaintiff-friendly state in the country, despite the fact that we are one of the poorest states.
- Every additional dollar that goes towards paying lawyers and plaintiffs (estimated to cost New Mexico governments tens of millions of dollars every year) is one less dollar that goes towards essential services, e.g., education, health care, social services, law enforcement, roads, etc.
- This bill will set up a very uneven playing field where trial lawyers will become greatly enriched.
- The changes proposed in this bill are wholly unnecessary since there already are remedies for civil rights violations under federal law and under state law for law enforcement.

Legislation that would create a New Special Valuation or Classification re: Leased Residential Solar Taxed as Personal Property

- Oppose creating a new special valuation class and property tax for leased solar improvements on residential property as personal property.
- This could create special carve-out valuations and property taxes, which do not meet four of the five principles of good tax policy - fairness/equity, efficiency, simplicity, and accountability.
- The Assessors and Treasurers Affiliates opposed HB283: PROPERTY TAX OF SOLAR ENERGY SYSTEMS during the 2020 session that proposed to establish a new special method of property tax valuation for certain residential solar system installations, i.e. leased residential solar; the bill died in committee.



NEW MEXICO COUNTIES POLICY STATEMENT

The New Mexico Counties' (NMC) 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

NMC 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.

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

NMC opposes unfunded mandates imposed on county governments and opposes legislation that has a significant negative impact on revenue, budgets, and liabilities.

Economic Development & Infrastructure

NMC 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.

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

NMC supports affordable high-speed connectivity access.

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

NMC 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

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

Energy, Environment, and Natural Resources

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

NMC 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.

NMC supports adoption of sustainable water management policies.

Approved by the NMC Board of Directors 8.6.15

Revised & Approved by the NMC Board of Directors 10.1.2020

Healthcare and Human Services

NMC 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

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

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

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

NMC supports effective and efficient criminal adjudication processes.

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

NMC supports continued and adequate funding for county detention facilities.

Taxation and Revenue

NMC 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 NMC fully participate in legislative and executive efforts to restructure and reform the state and local tax system.

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

NMC 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.

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

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

2021 NMC Legislative Issues

Legislative Issues	Policy Committee and/or Affiliate	Board Actions 10/1/2020
County Government: NMC opposes unfunded mandates imposed on county government and opposes legislation that has a significant negative impact on revenue, budgets, and liabilities.	Policy Statement	Priority
Revisions to SB 8 - Law Enforcement Body Cameras	Public Safety & Courts Policy Committee	Support
Legislation that would create new civil rights cause of action under the NM Constitution	Public Safety & Courts Policy Committee	Oppose
Add non-residential properties to affidavit requirement in NMSA 7-38-12.1	Assessors Affiliate	Support
Amend NM law to explicitly include county attorneys	Attorneys Affiliate	Support
Disposition of personal property for counties	Attorneys / Managers Affiliate	Support
Modernize the statutes on county roads	Attorneys Affiliate	Support
Increase marriage license fee from \$25 to \$50 (\$15 to children's fund, \$25 to clerk's fees funds, and \$10 to general fund)	Clerks Affiliate	Support
Allow the voter roll books to re-open the Monday immediately following the county canvass	Clerks Affiliate	Support
Allow for same day voter registration during early/absentee voting and Election Day	Clerks Affiliate	Support
Create annual disaster reimbursement fund for counties	Managers Affiliate	Support
Allow non-profits to receive capital outlay funds directly from the state	Managers Affiliate	Support
Allow sitting probate judge from other counties fill in for absent probate judge	Probate Judges Affiliate	Support
Clean-up language in NMSA §6.10.10 regarding certificate of deposit account registry	Treasurers Affiliate	Support
Amend Solar Energy Improvement Special Assessment for commercial real estate only	Treasurers Affiliate	Support
Legislation that would create a new special valuation class to preserve agricultural land	Treasurers Affiliate	Oppose
Legislation that would create a new special valuation or clasification re: leased residential solar taxed as personal property	Treasurers Affiliate	Oppose

