

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Resolution No. 2016-____
Oppose House Bill 55

SPONSOR(S): Councilors Lindell and Bushee

SUMMARY: The proposed resolution would affirm the Santa Fe's support for non-discrimination by going on record as opposing House Bill 55, a pre-filed bill for the 2016 legislative session sponsored by Rep. David Gallegos and Rep. Nora Espinoza. House Bill 55 would allow businesses to discriminate based on sexual orientation or gender identity, based on the religious beliefs of the business.

PREPARED BY: Jesse Guillen, Legislative Liaison

FISCAL IMPACT: No

DATE: January 6, 2016

ATTACHMENTS: Resolution
FIR

1 **WHEREAS**, the 2010 United States Census identified 5,825 same-sex couples living in
2 New Mexico and contributing to our economy and communities as parents, neighbors, business
3 owners, workers and students; and

4 **WHEREAS**, showcasing our diversity, The Williams Institute of the University of
5 California at Los Angeles reports that New Mexico enjoys the largest percentage of Lesbian, Gay,
6 Bisexual or Transgender (LGBT) Latinos leading families in the country; and

7 **WHEREAS**, gay and lesbian individuals live in New Mexico and serve as elected
8 officials, business leaders, and religious leaders and participate in our economy and civic process;
9 and

10 **WHEREAS**, the Human Rights Campaign reports that 89 percent of Fortune 500
11 companies prohibit discrimination based on sexual orientation; and

12 **WHEREAS**, it is in the State and City’s best interest to attract entrepreneurial and
13 established companies alike, and other successful employers to Santa Fe and New Mexico; and

14 **WHEREAS**, when legislation to permit discrimination against persons based on sexual
15 orientation was passed by legislatures in Arizona and Indiana, the states’ business communities
16 strongly opposed such legislation because of its impact turning away customers, employers, and
17 employees from those states; and

18 **WHEREAS**, the Governing Body passed Resolution 2013-44 which affirmed
19 “the human and civil rights of the residents of the City of Santa Fe are inviolate and shall
20 not be diminished or otherwise infringed”; and

21 **WHEREAS**, the Governing Body passed Resolution 2015-32 which affirmed “the City
22 of Santa Fe’s commitment of non-discrimination”.

23 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
24 **CITY OF SANTA FE** that the Governing Body urges the New Mexico Legislature and the
25 Governor to oppose House Bill 55 being introduced at the Second Session of the 52nd Legislature

1 2016 of the State of New Mexico, which modifies the provisions of the State's Human Rights Act
2 to permit discrimination in employment, housing, service, and other public accommodations
3 based on sexual orientation and gender identity.

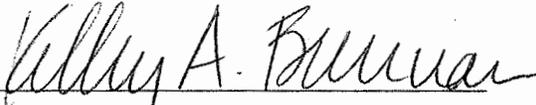
4 PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

5
6 _____
7 JAVIER M. GONZALES, MAYOR

8 ATTEST:

9
10 _____
11 YOLANDA Y. VIGIL, CITY CLERK

12 APPROVED AS TO FORM:

13 
14 _____
15 KELLEY A. BRENNAN, CITY ATTORNEY

City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: _____ Resolution: X

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): **A RESOLUTION OPPOSING PROPOSED LEGISLATION, HOUSE BILL 55 – AMENDING NEW MEXICO'S HUMAN RIGHTS ACT TO PERMIT DISCRIMINATION AGAINST PERSONS BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY.**

Sponsor(s): Councilor Lindell

Reviewing Department(s): Legislative Services

Persons Completing FIR: Jesse Guillen Date: 1/4/16 Phone: x6518

Reviewed by City Attorney: *Vally A. Brennan* Date: 1/9/16
(Signature)

Reviewed by Finance Director: _____ Date: _____
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

This resolution would affirm the City of Santa Fe's support for non-discrimination by opposing the New Mexico Legislature's House Bill 55 that will be heard during the upcoming legislative session. House Bill 55 would allow businesses to discriminate based on sexual orientation or gender identity based on the religious beliefs of the business.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
 "N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
 "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: _____

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

None

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None identified.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

The City of Santa Fe will not show its opposition to House Bill 55

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None identified.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

House Bill 55 would permit the discrimination based on sexual orientation and gender identity, potentially harming many individuals in Santa Fe and New Mexico. The City has passed several non-discrimination resolution in the past, and would continue to affirm this position by opposing House Bill 55.
