



**2021**

**LEGISLATIVE  
PRIORITIES**

**Adopted By:  
NMML Board of Directors  
October 3, 2020  
Via Zoom - Santa Fe**

The New Mexico Municipal League Board of Directors adopted the following priorities for the League's Action Program during the 2021 Legislative Session.

## **TAXATION & REVENUE**

- **State and Local Tax Reform.** (*Resolution 2020-18*). The NMML will continue to participate in the Tax Policy Advisory Committee (TPAC) to develop a tax reform plan for the State of New Mexico.
- **Relationship between the Taxation and Revenue Department and Municipalities.** (*Resolution 2020-19*). The NMML will continue to make every effort possible to improve the relationship between the Department and municipalities.
- **Hold Harmless Gross Receipts Tax Distributions.** (*Resolution 2020-20*). Supports legislation for a continuation of Hold Harmless GRT distributions.
- **Local Government Safety Net Act.** (*Resolution 2020-22*). Seeks legislation to obtain revenue replacement for municipalities.

## **PUBLIC SAFETY**

- **Law Enforcement and Mental Health Professionals Crisis Intervention for the Mentally Ill.** (*Resolution 2020-31*). Seeks legislation to provide funding and legislative statutory support for mental health resources, and mandated Regional Crisis Intervention Teams.
- **Enhancing Safety in Public Schools.** (*Resolution 2020-33*). Proposes to:
  - amend the PERA conditions for retirement to allow retired law enforcement to be employed in public schools without penalty to their PERA benefits;
  - fund technology to enhance school safety;
  - further increase penalties regarding school shooting threats to a felony;
  - support new bullying legislation to include monitoring and follow-up on threats made by social media; and
  - provide training through a School Safety Omnibus bill to respond to Active Shooters.
- **Police Body Cameras and Public Records Implications.** (*Resolution 2020-34*). Supports legislation with the development and adoption of guidelines and restrictions regarding Inspection of Public Records Act requests and the release of certain body-worn camera footage.
- **Fire Fund.** (*Resolution 2020-35*). Supports legislation that will ensure that funding is appropriated in the best interest of the Fire Protection Fund and its beneficiaries.
- **Creation of a Police Reform Committee.** (*Resolution 2020-37*). A request be made to the Governor to appoint and convene a committee of police executives, elected officials, community members, and other stakeholders to identify and set the goals for police reform. Additionally, the State Legislature should consider a well-reasoned approach to achieve effective police reform.

## **COMMUNITY & ECONOMIC DEVELOPMENT**

- **State Grants for Libraries.** (*Resolution 2020-5*). Endorses the passage of legislation to increase the appropriation to the library division of the Cultural Affairs Department to provide grants-in-aid for local library services and operations.
- **Job Creation Incentives in Rural Low Income Areas.** (*Resolution 2020-11*). Seeks legislation to provide funding and legislative support for a Rural Job Creation Incentive Program.
- **An Amendment to Article 10 Local Economic Development 5-10-3 Definitions M. Retail Business (1) And (2) To Support Retail Business; Setting A Percentage of Municipal Economic Development Act Funds for Municipalities with Populations Over 35,000; Setting A Sunset Date.** (*Resolution 2020-13*). Seeks legislation to amend the language contained in Article 10 dealing with Local Economic Development retail businesses.

## **ENVIRONMENT**

- **Water Conservation Fee.** (*Resolution 2020-17*). Urges the Legislature to:
  - Support NMED sampling and analysis efforts through the appropriation of funds to ensure an adequate balance in the Water Conservation Fund; and
  - Modify the Act requiring the Taxation and Revenue Department to collaborate with NMED in identifying water systems on the status of water conservation fund payments; and
  - Consideration of any increase in the Fund should be sufficient to cover all sampling and analytical requirements of the federal Safe Drinking Water Act.

## RESOLUTION 2020-18

### CONCERNING STATE AND LOCAL TAX REFORM

**Whereas**, the New Mexico Municipal League is aware of various proposals for tax reform in the state; and

**Whereas**, the New Mexico Municipal League is generally supportive of state and local tax reform that will result in increased revenues for both state and local governments.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League will continue to participate in the Tax Policy Advisory Committee (TPAC) to develop a tax reform plan for the State of New Mexico; and

**Be It Further Resolved** that the Tax Policy Advisory Committee (TPAC) has representation from the New Mexico Municipal League and the New Mexico Counties in order to give input on state and local tax reform.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

## RESOLUTION 2020-19

### CONCERNING THE RELATIONSHIP BETWEEN THE TAXATION AND REVENUE DEPARTMENT AND MUNICIPALITIES

**Whereas**, in order for municipalities to function efficiently and provide necessary services to citizens, it is imperative that municipalities be assured that the revenues they are receiving are being accounted for and distributed properly; and

**Whereas**, New Mexico Municipalities pay the state 3% of Local Option Gross Receipts Taxes collected for administration and distribution of the tax; and

**Whereas**, municipalities desire to have a functioning and trusting relationship with the Taxation and Revenue Department that would result in cooperation between the Department and municipalities with the Department sharing as much information as possible with municipalities; and

**Whereas**, municipalities desire that the Department become consistent in the type of information it is willing and able to share with municipalities so municipalities can utilize the information for analysis purposes and to compare the Department's data against Municipal Business Registrations.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League calls on the Taxation and Revenue Department to make every effort possible to improve the relationship between the Department and municipalities; and

**Be It Further Resolved** that New Mexico Municipal League members stand ready to discuss with the Taxation and Revenue Department ways in which the relationship between the department and municipalities can be improved.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

## RESOLUTION 2020-20

### CONCERNING MUNICIPAL HOLD HARMLESS GROSS RECEIPTS TAX DISTRIBUTIONS

**Whereas**, in 2004, the New Mexico Legislature exempted food and some medical services from Gross Receipt Taxes and provided payments to cities and counties to replace the lost revenue with a Hold Harmless Gross Receipts Tax; and

**Whereas**, in a last-minute action during the 2013 Legislative Session, lawmakers passed a bill to phase out the Hold Harmless payments over a 15 year period beginning in 2015; and

**Whereas**, over a dozen of New Mexico's largest municipalities cannot replace the revenue lost from the State's exemption of the Food and Medical GRT from the tax base and the three-eighths hold harmless increment is insufficient to replace the loss in revenue.

**Now, Therefore, Be it Resolved** that the New Mexico Municipal League seeks legislation for a continuation of Hold Harmless GRT distributions.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

## RESOLUTION 2020-22

### CONCERNING LOCAL GOVERNMENT SAFETY NET ACT

**Whereas**, events related to COVID-19 community spread are expected to create a revenue shortfall, including projections of significantly-reduced gross receipts tax revenue; and

**Whereas**, seventy percent (70%) of municipal budgets are derived directly from gross receipts tax revenue; and

**Whereas**, significantly-reduced revenue tied to such a large percentage of municipal budgets will require similarly significant cuts to municipal spending absent robust, State-based relief efforts; and

**Whereas**, municipalities are already struggling to maintain basic services.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League will seek legislation to obtain revenue replacement for municipalities.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

## RESOLUTION 2020-31

### CONCERNING LAW ENFORCEMENT AND MENTAL HEALTH PROFESSIONALS CRISIS INTERVENTION FOR THE MENTALLY ILL

**Whereas**, one of the greatest challenges first responders face in New Mexico and across the nation is how to effectively respond to people who have mental health disorders or who are in crisis; and

**Whereas**, HJM 17 (2011) made recommendations to reduce the number of individuals with mental health disorders who require law enforcement intervention; and

**Whereas**, New Mexico Law Enforcement agencies, Fire Personnel, EMS, and their supporting agencies are the first responders when dealing with a person who suffers from mental illness or is in crisis and such response requires adequate resources, knowledge, and equipment if such a response is to be compassionate, effective and in the best interests of the individual; and

**Whereas**, it is the responsibility of the State Legislature to provide adequate resources devoted to dealing with the issue of mental illness in New Mexico. This responsibility extends to all social service agencies and advocacy groups whose mission is to assist citizens suffering from mental illness, thereby reducing the need for Law Enforcement Personnel to respond to individuals in mental health crisis; and

**Whereas**, New Mexico Law Enforcement personnel are frequently drawn into numerous contacts with citizens suffering from mental illness or who are in crisis, and options for placement and treatment of these citizens are not readily available; and

**Whereas**, the risk of physical confrontation between the citizen suffering from mental illness or crisis and responding Law Enforcement personnel is high and such confrontations may result in serious injury or death to the citizen, bystanders or to the responding Law Enforcement personnel; and

**Whereas**, New Mexico Law Enforcement Personnel currently receive basic training on how to assess and handle those suffering from Mental illness as part of the New Mexico Law Enforcement Academy training curriculum pursuant to HB 93; and

**Whereas**, one of the paramount challenges facing New Mexico Law Enforcement agencies is the lack of adequate support resources for effectively handling and de-escalating potentially deadly situations involving a person or persons in crisis, the first responder and the general public. Having these support options readily available is critical when first responders arrive on-scene to prevent further tragedy. The critical missing link is the availability of Crisis Intervention Teams comprised of specifically trained Law Enforcement Personnel and Mental Health Professionals who will engage in the crisis intervention process on scene as a team; and

**Whereas**, New Mexico Law Enforcement recognizes and has identified the lack of available resources and professionals specifically trained in crisis intervention and dealing with the mentally ill, and has determined this to be a state wide issue which is not regionalized to a single urban, suburban or rural area. Law Enforcement agencies across the state face the same challenges in not having the readily available resource



of an available Crisis Intervention Team to assist in de-escalating potentially deadly situations and bring about a safe resolution; and

**Whereas**, New Mexico Law Enforcement seeks to establish a collaborative partnership with Mental Health professionals, and develop regionally based Crisis Intervention Teams throughout New Mexico that can offer immediate assistance either telephonically, or in person, thereby incorporating a level of expertise and intervention which would provide an additional resource for de-escalating a potentially deadly situation and obtaining the proper emergency assistance needed for the person or persons in crisis; and

**Whereas**, New Mexico Law Enforcement proposes to partner with Mental Health Professionals statewide in developing regionalized teams to effectively handle potentially volatile situations involving those who suffer from mental illness and are in crisis. This partnership in creating Regional Crisis Intervention Teams will serve as an essential tool for first responders in de-escalating potentially deadly situations, and would make sure those who are in crisis get the appropriate medical care, that especially in rural areas, is often not available pursuant to Section 43-1-10 NMSA 1978; and

**Whereas**, existing Crisis Intervention Teams that exist in New Mexico's larger law enforcement agencies are available to use as a model and resource for the proposed regional Crisis Intervention Teams.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seek legislation to provide funding and legislative statutory support for mental health resources, and mandated Regional Crisis Intervention Teams that would be established and utilized to further support the Law Enforcement and First Responder mission of protecting and assisting a person or persons in crisis, protecting the remainder of the New Mexico community from the potential negative effects of contacts with those in crisis, and furthering collaborative efforts that would mitigate the amount and severity of negative contacts with those in crisis, thus avoiding further tragic loss of life.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

## RESOLUTION 2020-33

### CONCERNING ENHANCING SAFETY IN PUBLIC SCHOOLS

**Whereas**, the Public Employee's Retirement Act (PERA) requires retired police officers to suspend their retirement cost of living adjustments if they are employed by a school whose employees are included under the Educational Retiree's Act (ERA) making it difficult to hire retired law enforcement officers; and

**Whereas**, current state statutes have making a bomb threat a Felony, but currently state statutes for making a school shooting threat, involving school campuses, or affecting students and school staff are classified as misdemeanors. This includes threats using social media; and

**Whereas**, firearms possession is not regulated by state law for individuals with mental health issues, history of violence, or other demonstrated instability creating situations where currently individuals in crisis lawfully have access to firearms. Those individuals are not under any restriction from purchasing firearms in the unstable, crisis condition they are in; and

**Whereas**, School districts have not been funded to upgrade and/or install any security measures they deem necessary to protect their students and staff including but not limited to technology to enhance school security with card access, surveillance cameras, perimeter fencing, staff/student/visitor ID systems, intrusion alarm systems, security/police on-site personnel, etc.; and

**Whereas**, statutes to mitigate bullying have not been effectively enforced.

**Now, Therefore, Be it Resolved** that the New Mexico Municipal League supports legislation to:

- amend the PERA conditions for retirement to allow retired law enforcement to be employed in public schools without penalty to their PERA benefits;
- fund technology to enhance school safety;
- further increase penalties regarding school shooting threats to a felony;
- support new bullying legislation to include monitoring and follow-up on threats made by social media; and
- provide training through a School Safety Omnibus bill to respond to Active Shooters.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

## RESOLUTION 2020-34

### CONCERNING POLICE BODY CAMERAS AND PUBLIC RECORDS IMPLICATIONS

**Whereas**, trust between law-enforcement agencies and the public is vital for the delivery of high-quality public safety services; and

**Whereas**, the use of body-worn cameras can help law-enforcement agencies strengthen performance, accountability, and transparency; and

**Whereas**, in other jurisdictions, the use of body-worn cameras has improved the documentation of evidence for investigations and court proceedings and reduced the number of use of force incidents and complaints against officers; and

**Whereas**, Police Officers collect body-worn camera footage in a number of sensitive locations in performance of their duties, such as private residences, during sensitive non-criminal citizen encounters, at graphic crime scenes and in locations such as hospitals and emergency rooms; and

**Whereas**, the Inspection of Public Records Act was written well before the introduction of body-worn cameras and consequently did not contemplate the attendant privacy implications surrounding the use of body-worn cameras; and

**Whereas**, Senate Bill 8 from the First Special Session of the 54<sup>th</sup> Legislature created two new causes of action under the New Mexico Tort Claims Act, both of which require peace officers to collect and law enforcement agencies to store body-worn camera footage, and neither of which contemplated the public records implications of such a requirement.

**Now, Therefore Be It Resolved** the New Mexico Municipal League and the New Mexico Association of Chiefs of Police, strongly encouraged the development and adoption of guidelines and restrictions regarding Inspection of Public Records Act requests and the release of certain body-worn camera footage that addresses the following:

- (1) Limit Public access to and release of data from body-worn camera footage in regards to privacy consideration concerning body-worn cameras.
- (2) Inspection, redaction, and production of footage including: reasonable time-line for production and reasonable cost recovery for production and redaction of footage.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

**RESOLUTION 2020-35**

**CONCERNING THE FIRE FUND**

**Whereas**, the current practice of the New Mexico State Legislature is to use potentially unconstitutional notwithstanding language to divert funds from the Fire Protection Fund; and

**Whereas**, the current practice will be opposed by all beneficiaries of the Fire Protection Fund; and

**Whereas**, the Fire Protection Grant Fund shall only be used to support administrative services directly benefiting beneficiaries of the Fire Protection Fund; and

**Whereas**, the Fire Protection Fund shall only revert to the Fire Protection Fund; and

**Whereas**, the current statute ensures that increases to insurance excise tax goes in to the distribution to fire departments.

**Now, Therefore, Be it Resolved** that the New Mexico Municipal League supports legislation that will ensure that funding is appropriated in the best interest of the Fire Protection Fund and it's beneficiaries.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

## RESOLUTION 2020-37

### CONCERNING THE CREATION OF A POLICE REFORM COMMITTEE

**Whereas**, police leaders, elected officials and community members should work together to develop and implement solutions regarding concerns over policing practices and operations. It is imperative that these efforts reflect a balanced strategic approach to combating crime and prioritizing community safety; and

**Whereas**, emotions are running high and politically expedient measures are being taken and unfortunately implementation of policy or other short sided measures are being hastily implemented without input and do not accomplish community and police engagement; and

**Whereas**, the Governor and the State of New Mexico should engage in a balanced approach so as not to negatively impact the quality of life for all citizens of our great State by soliciting input from all stakeholders, including Police Chiefs and Sheriffs, in all matters effecting implemented changes; and

**Whereas**, comprehensive police reform will be a challenge and all parties should be engaged, including law enforcement leadership, to collectively establish effective, transparent and lasting institutional change.

**Now, Therefore, Be It Resolved** that a request be made to the Governor to appoint and convene a committee of police executives, elected officials, community members, and other stakeholders to identify and set the goals for police reform. As another legislative session quickly approaches, many “reform” bills are already being drafted and presented, and there should be comprehensive discussions to accomplish well-reasoned approaches to achieve effective police reform. Currently, we see a series of disconnected ideas that have not been analyzed and discussed that may in fact, either not accomplish or work against, the goals of true police reform. Law enforcement is bound by public service duty to keep all communities safe. Because of that commitment, the ultimate outcome shall be to implement change together. With the Governor’s appointment, this committee will engage in future, ongoing discussions to ascertain ideas that shall result in effective, transparent and accountable police reform across New Mexico.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

## RESOLUTION 2020-5

### CONCERNING STATE GRANTS FOR LIBRARIES

**Whereas**, New Mexico public libraries provide books and other materials and services to meet the informational, educational, cultural and recreational needs of all New Mexicans; and

**Whereas**, the effectiveness of a library is determined by its ability to deliver current, accurate information in a timely manner through books and materials answering community needs; and

**Whereas**, advances in technology have made information resources increasingly accessible electronically; and

**Whereas**, the demand for library resources continues to rise while the cost of providing the resources is beyond local funding capacity; and

**Whereas**, publicly funded libraries have increased their effectiveness by sharing their resources electronically, enabling public, school and college libraries to coordinate the use of scarce library funds within the community and statewide; and

**Whereas**, public libraries have experienced a substantial growth in usage, yet many municipalities lack resources to support adequate funding for library collections and operating expenditures; and

**Whereas**, the current state grants-in-aid distribution is \$0.57 per capita; and

**Whereas**, the national average for public library state grants in aid is \$3.55 per capita.

**Now, Therefore, Be It Resolved That** the New Mexico Municipal League endorses the passage of legislation to increase the appropriation to the library division of the Cultural Affairs Department to provide grants-in-aid for local library services and operations.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

## RESOLUTION 2020-11

### CONCERNING JOB CREATION INCENTIVES IN RURAL LOW INCOME AREAS

**Whereas**, many rural New Mexico communities face significant economic sustainability challenges; and

**Whereas**, existing New Mexico incentives for economic development and job creation generally have little impact in New Mexico's smaller rural communities and these communities are underserved by existing programs; and

**Whereas**, many smaller rural New Mexico communities lack resources to implement effective economic development programs, promote private investment and incentivize job creation; and

**Whereas**, many smaller rural New Mexico communities experience lower median household income and median wage and salary than state-wide averages.

**Now, Therefore, Be It Resolved**, that the New Mexico Municipal League seeks legislation to provide funding and legislative support for a Rural Job Creation Incentive Program that would be established and administered under the New Mexico Economic Development Department to fund rural employment expansion grants to business entities for creation of qualifying full time jobs created in a municipality of less than 15,000 population, where annual median household income is 85% or less than state-wide New Mexico annual median household income.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

## RESOLUTION 2020-13

### CONCERNING AN AMENDMENT TO ARTICLE 10 LOCAL ECONOMIC DEVELOPMENT 5-10-3 DEFINITIONS M. RETAIL BUSINESS (1) AND (2) TO SUPPORT RETAIL BUSINESS; SETTING A PERCENTAGE OF MUNICIPAL ECONOMIC DEVELOPMENT ACT FUNDS FOR MUNICIPALITIES WITH POPULATIONS OVER 35,000; SETTING A SUNSET DATE

**Whereas**, since 2002, more than 83 communities throughout the State of New Mexico have implemented a Local Economic Development Act (LEDA) tax increment to assist in incentivizing economic development in their communities; and

**Whereas**, throughout the nation, the retail industry is a significant economic driver in municipalities regardless of their size; and

**Whereas**, many municipalities throughout the State of New Mexico have experienced a negative economic impact due to the COVID-19 pandemic, which has also had a significant impact on the retail industry and, subsequently, municipal gross receipts tax; and

**Whereas**, in the State of New Mexico, municipalities with populations less than 35,000 have the ability to support retail for economic development purposes in their communities, while municipalities with populations larger than 35,000 are not currently able to utilize the Local Economic Development Act (LEDA) for retail industry in their community, thereby placing them at a competitive disadvantage; and

**Whereas**, for larger municipalities, retail business is a major economic driver, where the municipality is a retail hub for the surrounding area, attracts shoppers from throughout the area, including other states and counties when the municipality is located on the periphery of the state. For hub municipalities, retail business greatly positively impacts the gross receipts tax potential; and

**Whereas**, to allow municipalities the ability to adapt to the current economic climate, greater latitude in the expenditure of LEDA funds is needed to allow municipalities the ability to self-determine how to expend their LEDA funds to better reflect the economic development needs of their community. Current state legislation impedes that ability; and

**Whereas**, in order to address the economic development needs of New Mexico's municipalities, an amendment to the current language of the Local Economic Development Act (LEDA) funding Article 10 Local Economic Development 5-10-3 Definitions M "retail business" (1) and (2) is recommended as follows:

▪ **Current Language** - M. "retail business" means a business that is primarily engaged in the sale of goods or commodities at retail and that is located in a municipality with a population, according to the most recent federal decennial census, of:

(1) Fifteen thousand or less; or



(2) *More than fifteen thousand but less than thirty-five thousand if:*

(a) *the economic development project is not funded or financed with state government revenues; and*

(b) *the business created through the project will not directly compete with an existing business that is: 1) in the municipality; and 2) engaged in the sale of the same or similar goods or commodities at retail.*

▪ **Proposed Language** - M. “retail business” means a business that is primarily engaged in the sale of goods or commodities at retail and that is located in a municipality with a population, according to the most recent federal decennial census, of:

(1) *Fifteen thousand or less; or*

(2) *More than fifteen thousand but less than thirty-five thousand if:*

(a) *the economic development project is not funded or financed with state government revenues; and*

(b) *the business created through the project will not directly compete with an existing business that is: 1) in the municipality; and 2) engaged in the sale of the same or similar goods or commodities at retail.*

(3) *For a period with a sunset date of June 30, 2030, municipalities with more than thirty-five thousand but less than two-hundred thousand may use up to twenty-five percent (25%) of municipal LEDA funding for retail development if the economic development project is not funded or financed with state government revenues.*

**Now, Therefore, Be It Resolved**, that the New Mexico Municipal League seek legislation to amend the language contained in Article 10 Local Economic Development 5-10-3 Definitions M retail business” to allow municipalities, including municipalities over 35,000 the ability to address their individual and unique economic development needs; and

**Be It Further Resolved**, for municipalities larger than 35,000 but smaller than 200,000 that there be a sunset date of June 30, 2030.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.

## RESOLUTION 2020-17

### CONCERNING THE WATER CONSERVATION FEE

**Whereas**, the Water Conservation Fee Act (the Act) was adopted by the New Mexico Legislature in 1993, with further amendments adopted in 2013; and

**Whereas**, the Act created a water conservation fee imposed on every public water supply system in an amount equal to three cents (\$.03) per thousand gallons of water produced on which the fee imposed by some water systems has not been paid; and

**Whereas**, the Act created the "water conservation fund" in the state treasury to be administered by the Department of Environment. The fund shall consist of water conservation fees collected pursuant to this section. Balances in the fund at the end of any fiscal year shall not revert to the general fund but shall accrue to the credit of the fund. Earnings on the fund shall be credited to the fund; and

**Whereas**, money in the water conservation fund is appropriated to the Department of Environment for administration of a public water supply program to:

- (1) Test public water supplies for the contaminants required to be tested pursuant to the provisions of the federal Safe Drinking Water Act (SDWA), and collect chemical compliance samples as required under the relevant provisions of the federal act;
- (2) Perform vulnerability assessments which will be used to assess a public water supply's susceptibility to those contaminants; and
- (3) Implement new requirements of the Utility Operators Certification Act [61-33-1 NMSA 1978] and provide training for all public water supply operators; and

**Whereas**, the Taxation and Revenue Department shall provide by regulation for the manner and form of collection of the water conservation fee. All water conservation fees collected by the Taxation and Revenue Department, less the administrative fee withheld pursuant to Section 1 [7-1-6.41 NMSA 1978] of this 1997 act, shall be deposited in the water conservation fund; and

**Whereas**, the fee imposed by this section shall be administered in accordance with the provisions of the Tax Administration Act [7-1-1 NMSA 1978] and shall be paid to the Taxation and Revenue Department; and

**Whereas**, current expenditures under the Water Conservation Fund exceed revenues due to increased analytical fees and personnel costs, as well as additional and more stringent sampling requirements; and

**Whereas**, there are systems that are not paying into the fund but still receiving sampling and analytical services from NMED using Water Conservation Fund monies, thus helping to deplete available funding available to those systems paying into the fund.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League:

- Urges the Governor of New Mexico and the New Mexico Legislature to support NMED's sampling and analysis efforts through the appropriation of funds to ensure an adequate balance in the Water Conservation Fund;
- Urges the Legislature to modify the Act in a manner requiring the Tax and Revenue Department to collaborate with NMED on a regular basis to identify those systems on a regular basis which are, and are not, paying the required fees into the Water Conservation Fund;
- Urges the NM Legislature to modify the Act to enact requirements that Water Conservation Fund revenues only be expended by NMED on those systems current with their required payments into the fund. Additionally, Water Conservation Fund revenues should not be used to pay for any increased sampling that may be required of systems as a result of their noncompliance with the SDWA;
- Requests that NMED should also provide an annual list of all sampling and analysis required under the provisions of the SDWA, which are covered by the Fund, as intended by the 2013 amendments to the Act;
- Any increase to the Water Conservation fees are justified to the public. If fees are increased, the increase should be scheduled with adequate time provided for water systems to prepare and raise their system fees and/or budgets as appropriate. If the Conservation Fee levels are increased, the increase should be implemented incrementally, and should be sufficient to cover all sampling and analytical requirements of the federal Safe Drinking Water Act; and

**Be It Further Resolved**, that the New Mexico Municipal League is committed to continuing its recent collaboration and efforts with the New Mexico Environment Department to address the lack of adequate revenues in the Water Conservation Fund to fulfill the intent purposes of the Act.

**Passed, Approved and Adopted** this 3rd day of September at the City of Santa Fe, New Mexico.