

LFC Requester:	Emily Hill
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/7/2025 *Check all that apply:*
Bill Number: HB298 Original Correction
 Amendment Substitute

Sponsor: <u>Chandler, Duncan</u>	Agency Name and Code	<u>Municipal League</u>
Short Title: <u>Local Government Official Change</u>	Number:	<u></u>
	Person Writing	<u>Rebecca Martinez</u>
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SECTION II: FISCAL IMPACT

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal	Minimal	Minimal	Recurring	Municipalities

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB298 proposes amendments to the State’s Municipal Code. The amendments include:

- Provides procedures for the cross-commissioning of police officers by governing bodies, so that municipalities can respond to emergency situations and other times of need as they arise within their jurisdiction.
- Requires a governing body to hold a vote to fill a vacancy of mayor or council member at each governing body meeting, occur no later than 15 days after vacancy has occurred. If the vacancy isn’t filled at that time, the item shall remain on the agenda of each subsequent meeting, until filled.
- Adds language that a person filling a vacancy of mayor or council member shall serve until the next Regular Local Election or Municipal Officer Election (whichever applicable), where a successor will be elected to fill the remainder of the term.
- Inserts clarification on voting procedures to provide more specificity about quorums,

voting, and recusal/abstention.

- Adds clarification on the statutory responsibilities of municipal elected officials.

FISCAL IMPLICATIONS

Fiscal impacts to municipalities as a result of HB298 are likely minimal. Municipalities could incur some limited costs to update certain procedures or documentation.

SIGNIFICANT ISSUES

The Municipal Code sets the roles, responsibilities and fiscal and operational procedures for 106 cities, towns and villages, and has seen only minimal updates since compilation in 1978. The updates proposed in HB298 will modernize specific articles with the Code so that municipalities have clear, relevant statutory guidance in how they provide essential services to the public.

In 2024, Ruidoso, Ruidoso Downs and Roswell experienced catastrophic floods. These unfortunate occurrences identified a procedural void in the Municipal Code for municipalities to formally enlist other municipal public safety officers to support municipal police departments in times of emergency or increased need. The statute bestows the responsibility of health, safety and well-being on the local government, so it should also include a mechanism for them to respond with the proper level of emergency support personnel.

The proposed revisions within HB298 do not infringe on procedures enacted by home-rule municipalities.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The language within the Municipal Code will remain outdated, and municipalities will continue to lack clear statutory guidance in some areas such as quorums and voting procedures. In addition, the Municipal Code will remain in conflict with other areas of statute that have been updated over the years.

AMENDMENTS