

LFC Requester:

Jennifer Faubion

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 02/11/2025

Check all that apply:

Bill Number: SJR 10

Original Correction
Amendment Substitute

Sponsor: Sen. Jay C. Block

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: EMERGENCY
RESPONDERS PROPERTY
TAX EXEMPTION

Person Writing Analysis: Tessa Ryan
Phone: 505-537-7676
Email: legisfir@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

Section 1. This joint resolution proposes to amend Article 8, Section 5 of the New Mexico Constitution to provide a property tax exemption for those referred to as certified emergency first responders, both active and retired. The measure would accomplish this by requiring that the Legislature enact a law establishing the exemption and setting forth relevant details. Under the measure, 50% of the first responder’s primary-residence property would be exempt from taxation. Only certain first responders would be eligible. In the case of:

- Active first responders—One must: (1) be certified in the profession; (2) work full-time; and (3) have worked in the profession for at least one year “since successfully completing any probationary period required by a local government”; and
- Retired first responders—One must have earned their full pension, meaning “[100%] of the person’s final average salary as an emergency first responder calculated in accordance with the provisions of the applicable public employees retirement system retirement plan, as provided by law[.]” This would appear to include those who relocate to New Mexico after earning pensions in other states.

The amendment also would assign the burden of establishing eligibility for the exemption to the claimant and—insofar as it strikes the text of former Subsection C (pertaining specifically to honorably discharged members of the U.S. armed forces, i.e., veterans)—would further assign the burden of establishing eligibility for the head-of-family exemption in Subsection A to the claimant of that exemption. (At present, such a burden falls only on a veteran-exemption claimant.)

Section 2. This section provides that the measure would take effect only if voters approve it in an election.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

None for this office

SIGNIFICANT ISSUES

- In its reference to “any probationary period required by a local government” in Subsection C, the proposed measure appears to exclude state police officers (and possibly other first responders) from eligibility for the exemption.

PERFORMANCE IMPLICATIONS

None for this office

ADMINISTRATIVE IMPLICATIONS

None for this office

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

- It is not clear what purpose the text “as provided by law” in Paragraph (2) of Subsection (C) serves. If a person’s final average salary is calculated “in accordance with the provisions of the applicable public employees retirement system retirement plan,” then it is necessarily calculated “as provided by law.”

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

- If the intent is to include all otherwise-qualified, active first responders (i.e., not just those employed by local governments), then the text “for at least one year since successfully completing any probationary period required by a local government” could be replaced with the text “for at least one non-probationary year.” If, on the other hand, the intent is for the exemption to apply only to those employed by local governments, then the text of Subsection C should be revised to make that clear.
- The text “, as provided by law” in Paragraph (2) of Subsection C could be revised to more clearly express its intended purpose or, if appropriate, deleted.