

LFC Requester:

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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://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:** 1/28/26*Check all that apply:***Bill Number:** HB 185Original ☒ Correction ☐Amendment ☐ Substitute ☐**Agency Name****and Code**

State Ethics Commission (410)

Number:**Sponsor:** Herrera, et al.**Short** PED Secretary & Local School**Person Writing** J. Farris**Title:** Board Members**Phone:** 505-554-7706 **Email** jeremy.farris@sec.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	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

BILL SUMMARY

Synopsis: HB 185 enacts a new section of the Public School Code to create procedures by which the PED secretary may suspend a local school board member for willfully failing to perform a duty required by the Public School Code. These procedures are designed to comply with minimum requirements necessary to meet the local school board member's procedural due process rights, including written notice to the local school board member of remedial action required on pains of suspension; written notice of a suspension; and an opportunity for the member to be heard, challenge the suspension, and seek reinstatement. The opportunity to be heard will be provided pursuant to procedures set forth in the Administrative Procedures Act. Finally, during the pendency of a local school board member's suspension, the PED secretary or their designee may assume the duties of the member's office only to break an otherwise deadlocked vote for the approval of the annual budget for the member's school district.

Section 22-2-14 currently authorizes the PED secretary to suspend a "local school board," and provides procedures relating to the exercise of that power. While the current power to suspend an entire school board arguably includes the lesser power to suspend particular school board members, discontent with that available inference, HB 185 authorizes and details the secretary's power to suspend individual school board members.

FISCAL IMPLICATIONS

None for the State Ethics Commission.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Article XII, Section 6 of the New Mexico Constitution creates the office of the secretary of the public education department and grants that office "administrative and regulatory powers . . . as provided by law."

Article XII, Section 14 of the New Mexico Constitution subjects elected school board members to recall by the voters in the school district.

HB 185 assumes that Article XII, Section 14 does not provide the exclusive means for divesting an elected school board member of their authority in office and, further, that, the Legislature may also empower the Secretary to divest an elected school board member of the powers of their office.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS