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FISCAL IMPACT REPORT

ORIGINAL DATE 2/18/2009

SPONSOR Sapient LAST UPDATED _____ HB _____

SHORT TITLE County Classification & Salaries SB 587

ANALYST Moser

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

SUMMARY

Synopsis of Bill

Senate Bill 587 changes how the population of a county is determined for the purpose of classifying counties in order to fix the salaries of county employees. As it stands, the population of a county is determined by the last official United States census. NMSA 1978, § 4-44-1 (1953). The bill would require that the most current annual population data or estimate from the United States census be used to determine the population of a county.

The bill's other amendments to Section 4-44-1 and NMSA 1978, Section 4-44-2 (1915, as amended through 1977) do not appear to be substantive amendments, but rather clarify the statutory language in these sections. SB 587 also amends provisions that amend this to have salary upgrades go into effect on July 1 of the year the classification is determined.

FISCAL IMPLICATIONS

No fiscal impact.

SIGNIFICANT ISSUES

The AGO indicates that Senate Bill 587 does not appear to expressly conflict with other laws. DFA indicates that changes to Section 4-44-1 and 4-44-2 NMSA 1978, conflicts with 4-44-12.3B NMSA 1978. It should be noted that the official United States census occurs every 10

years, and the next census is in 2010. Through its Population Estimates Program, the United States Census Bureau produces population estimates for the nation, states, and counties on a yearly basis.

<http://www.census.gov/popest/estimates.php> (last visited Feb. 16, 2009).

DFA indicates that the classification (of counties) is based upon two factors: population and assessed property valuation. It is made every even-numbered year on or before April 30 (or April 29 in a leap year). The assessed valuation as finally fixed for the preceding year and the population as reported by the most current annual population data or estimate available from the U.S. Census Bureau would determine county classifications under Senate Bill 587. The classification is effective upon written notification from DFA. As Section 4-44-2 NMSA 1978 is currently written salary upgrades may not go into effect until January 1 of the subsequent odd years. SB 587 amends this to have salary upgrades go into effect on July 1 of the year the classification is determined.

TECHNICAL ISSUES

DFA indicates that SB 587, which changes Section 4-44-1 and 4-44-,2 NMSA 1978, conflicts with 4-44-12.3B NMSA 1978 which states, " In accordance with Sections 4-44-3 through 4-44-8 NMSA 1978, the majority of a board of county commissioners may provide for salary increases for elected county officials; provided, however, that no salary increase shall take effect until the first day of the term of an elected county official who takes office after the date that salary increase is approved."

GM/mc