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FISCAL IMPACT REPORT

SPONSOR: Lujan, A. DATE TYPED: 02/26/03 HB 353/aHLC/aHJC

SHORT TITLE: Payment for Work by Public Employees SB _____

ANALYST: Gonzales

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	None				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Attorney General

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment strikes the House Labor and Human Resources Committee amendment.

Synopsis of HLC Amendment

The House Labor and Human Resources Committee amendment:

- 1) Deletes the original bill in its entirety, Section 30-23-2 NMSA 1978, that states whoever commits paying or receiving public money for services not rendered is guilty of a fourth degree felony; and
- 2) Proposes a new section, essentially a substitute bill that, as amended to provide that the state and political subdivisions may provide by rule for the temporary reassignment of public employees and for reasonable wage or salary adjustments for the temporary reassignment.

Significant Issues

House Bill 353 as originally introduced, amended Section 30-23-2 NMSA 1978 of the criminal code to add language that states “work performed voluntarily by one public employee substituting for another public employee in circumstances approved by the employer” does not constitute a crime, a fourth degree felony.

According to the Attorney General, HB 353, as amended, should be a **committee substitute** to HB 353, leaving Section 30-23-2 of the criminal code unaltered.

QUESTIONS

Which agency will be responsible for making the rule for temporary reassignments so that the temporary reassignments and pay adjustments are handled in a consistent, equitable manner?

Since local public bodies generally exercise legislative authority by enacting ordinances rather than rules, should the words “or ordinance” be included after the word “rule”?

JMG/yr/njw