

HOUSE BILL 188

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Al Park

AN ACT

RELATING TO COUNTIES; INCREASING THE SALARY LIMIT FOR ELECTED COUNTY OFFICIALS; ELIMINATING CERTAIN COUNTY CLASSES; CHANGING SALARY EQUITY REQUIREMENTS; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 4-44-1 NMSA 1978 (being Laws 1957, Chapter 196, Section 1, as amended) is amended to read:

"4-44-1. CLASSIFICATION FOR SALARY PURPOSES.--

A. For the purpose of fixing salaries of county officers, the several counties of the state, except "H" class counties, are hereby classified as follows:

(1) those having a final, full assessed valuation of over seventy-five million dollars (\$75,000,000) and having a population of one hundred thousand persons or more

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1 as determined by the most current annual population data or
2 estimate available from the United States census bureau, as
3 class "A" counties;

4 (2) those having a final, full assessed
5 valuation in excess of seventy-five million dollars
6 (\$75,000,000) with a population of less than one hundred
7 thousand persons as determined by the most current annual
8 population data or estimate available from the United States
9 census bureau, as class "B" counties; and

10 (3) those having a final, full assessed
11 valuation [~~in excess of forty-five million dollars~~
12 ~~(\$45,000,000)] equal to or less than seventy-five million
13 dollars (\$75,000,000) with a population of less than one
14 hundred thousand persons as determined by the most current
15 annual population data or estimate available from the United
16 States census bureau, as class "C" counties.~~

17 [~~(4) those having a final, full assessed~~
18 ~~valuation of over fourteen million dollars (\$14,000,000), as~~
19 ~~counties of the first class;~~

20 ~~(5) those having a final, full assessed~~
21 ~~valuation of eight million two hundred fifty thousand dollars~~
22 ~~(\$8,250,000) and under fourteen million dollars (\$14,000,000),~~
23 ~~as counties of the second class;~~

24 ~~(6) those having a final, full assessed~~
25 ~~valuation of six million five hundred thousand dollars~~

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1 ~~(\$6,500,000) and under eight million two hundred fifty thousand~~
2 ~~dollars (\$8,250,000), as counties of the third class;~~

3 ~~(7) those having a final, full assessed~~
4 ~~valuation of four million seven hundred fifty thousand dollars~~
5 ~~(\$4,750,000) and under six million five hundred thousand~~
6 ~~dollars (\$6,500,000), as counties of the fourth class; and~~

7 ~~(8) those having a final, full assessed~~
8 ~~valuation of less than four million seven hundred fifty~~
9 ~~thousand dollars (\$4,750,000), as counties of the fifth class]~~

10 B. The assessed valuation for each year shall be
11 the full valuation as finally fixed for that year."

12 SECTION 2. Section 4-44-4 NMSA 1978 (being Laws 1957,
13 Chapter 196, Section 2, as amended) is amended to read:

14 "4-44-4. CLASS A COUNTIES--SALARIES.--The annual salaries
15 of elected officers of class A counties shall not exceed:

16 A. county commissioners, [~~twenty-nine thousand five~~
17 ~~hundred sixty-nine dollars (\$29,569)] thirty-four thousand five
18 dollars (\$34,005) each;~~

19 B. treasurer, [~~sixty-five thousand five hundred one~~
20 ~~dollars (\$65,501)] seventy-five thousand three hundred twenty-
21 seven dollars (\$75,327);~~

22 C. assessor, [~~sixty-five thousand five hundred one~~
23 ~~dollars (\$65,501)] seventy-five thousand three hundred twenty-
24 seven dollars (\$75,327);~~

25 D. sheriff, [~~sixty-eight thousand three hundred~~

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1 ~~eight dollars (\$68,308)]~~ seventy-eight thousand five hundred
2 fifty-five dollars (\$78,555);

3 E. county clerk, [~~sixty-five thousand five hundred~~
4 ~~one dollars (\$65,501)]~~ seventy-five thousand three hundred
5 twenty-seven dollars (\$75,327); and

6 F. probate judge, [~~twenty-eight thousand eight~~
7 ~~hundred twenty dollars (\$28,820)]~~ thirty-three thousand one
8 hundred forty-three dollars (\$33,143)."

9 SECTION 3. Section 4-44-4.1 NMSA 1978 (being Laws 1986,
10 Chapter 67, Section 2, as amended) is amended to read:

11 "4-44-4.1. CLASS B COUNTIES--OVER THREE HUNDRED MILLION
12 DOLLARS (\$300,000,000) VALUATION--SALARIES.--The annual
13 salaries of elected officers of class B counties with an
14 assessed valuation of over three hundred million dollars
15 (\$300,000,000) shall not exceed:

16 A. county commissioners, [~~twenty-two thousand eight~~
17 ~~hundred thirty-two dollars (\$22,832)]~~ twenty-six thousand two
18 hundred fifty-seven dollars (\$26,257) each;

19 B. treasurer, [~~fifty-seven thousand two hundred~~
20 ~~sixty-five dollars (\$57,265)]~~ sixty-five thousand eight hundred
21 fifty-five dollars (\$65,855);

22 C. assessor, [~~fifty-seven thousand two hundred~~
23 ~~sixty-five dollars (\$57,265)]~~ sixty-five thousand eight hundred
24 fifty-five dollars (\$65,855);

25 D. sheriff, [~~fifty-nine thousand six hundred~~

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1 ~~ninety-nine dollars (\$59,699)]~~ sixty-eight thousand six hundred
2 fifty-four dollars (\$68,654);

3 E. county clerk, [~~fifty-seven thousand two hundred~~
4 ~~sixty-five dollars (\$57,265)]~~ sixty-five thousand eight hundred
5 fifty-five dollars (\$65,855); and

6 F. probate judge, [~~twenty thousand twenty-four~~
7 ~~dollars (\$20,024)]~~ twenty-three thousand twenty-eight dollars
8 (\$23,028)."

9 SECTION 4. Section 4-44-5 NMSA 1978 (being Laws 1957,
10 Chapter 196, Section 3, as amended) is amended to read:

11 "4-44-5. CLASS B COUNTIES--SALARIES.--The annual salaries
12 of elected officers of class B counties with an assessed
13 valuation of over seventy-five million dollars (\$75,000,000)
14 but under three hundred million dollars (\$300,000,000) shall
15 not exceed:

16 A. county commissioners, [~~sixteen thousand two~~
17 ~~hundred eighty-two dollars (\$16,282)]~~ eighteen thousand seven
18 hundred twenty-five dollars (\$18,725) each;

19 B. treasurer, [~~forty-nine thousand thirty-one~~
20 ~~dollars (\$49,031)]~~ fifty-six thousand three hundred eighty-six
21 dollars (\$56,386);

22 C. county assessor, [~~forty-nine thousand thirty-one~~
23 ~~dollars (\$49,031)]~~ fifty-six thousand three hundred eighty-six
24 dollars (\$56,386);

25 D. county sheriff, [~~fifty-one thousand two hundred~~

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1 ~~seventy-seven dollars (\$51,277)]~~ fifty-eight thousand nine
2 hundred sixty-nine dollars (\$58,969);

3 E. county clerk, [~~forty-nine thousand thirty-one~~
4 ~~dollars (\$49,031)]~~ fifty-six thousand three hundred eighty-six
5 dollars (\$56,386); and

6 F. probate judge, [~~eleven thousand four hundred~~
7 ~~sixteen dollars (\$11,416)]~~ thirteen thousand one hundred
8 twenty-nine dollars (\$13,129)."

9 SECTION 5. Section 4-44-6 NMSA 1978 (being Laws 1957,
10 Chapter 196, Section 4, as amended) is amended to read:

11 "4-44-6. CLASS C COUNTIES--SALARIES.--The annual salaries
12 of elected officers of class C counties shall not exceed:

13 A. county commissioners, [~~sixteen thousand two~~
14 ~~hundred eighty-two dollars (\$16,282)]~~ eighteen thousand seven
15 hundred twenty-five dollars (\$18,725) each;

16 B. county treasurer, [~~forty-nine thousand thirty-~~
17 ~~one dollars (\$49,031)]~~ fifty-six thousand three hundred eighty-
18 six dollars (\$56,386);

19 C. county assessor, [~~forty-nine thousand thirty-one~~
20 ~~dollars (\$49,031)]~~ fifty-six thousand three hundred eighty-six
21 dollars (\$56,386);

22 D. county sheriff, [~~fifty-one thousand two hundred~~
23 ~~seventy-seven dollars (\$51,277)]~~ fifty-eight thousand nine
24 hundred sixty-nine dollars (\$58,969);

25 E. county clerk, [~~forty-nine thousand thirty-one~~

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1 ~~dollars (\$49,031)]~~ fifty-six thousand three hundred eighty-six
2 dollars (\$56,386); and

3 F. probate judge, [~~eleven thousand four hundred~~
4 ~~sixteen dollars (\$11,416)]~~ thirteen thousand one hundred
5 twenty-nine dollars (\$13,129)."

6 SECTION 6. Section 4-44-12.3 NMSA 1978 (being Laws 1991,
7 Chapter 91, Section 1, as amended) is amended to read:

8 "4-44-12.3. [~~LEGISLATIVE INTENT~~] UNIFORM SALARY
9 CHANGES.--

10 [~~A. The intent of the legislature when enacting~~
11 ~~salary increases for elected county officials is to provide for~~
12 ~~equitable salary increases.~~

13 [~~B. In accordance with Sections 4-44-3 through~~
14 ~~4-44-8 NMSA 1978]~~

15 A. The majority of a board of county commissioners
16 may provide for salary increases for elected county officials;
17 provided, however, that no salary increase shall take effect
18 until the first day of the term of an elected county official
19 who takes office after the date that salary increase is
20 approved.

21 B. Beginning with terms beginning January 1, 2013,
22 the board of county commissioners in each county shall provide
23 for the treasurer, assessor and clerk each to earn the same
24 salary. The board of county commissioners shall provide for
25 the sheriff to earn a salary not less than the salary earned by

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1 the treasurer, assessor and clerk and not more than five
2 percent more than the salary earned by the treasurer, assessor
3 and clerk."

4 SECTION 7. Section 4-44-14 NMSA 1978 (being Laws 1955,
5 Chapter 4, Section 2, as amended) is amended to read:

6 "4-44-14. H CLASS COUNTIES--SALARIES AND EXPENSES.--

7 A. Officers elected or appointed in [~~an~~
8 ~~unincorporated~~] a county of the H class shall receive the
9 following annual salaries:

10 (1) county commissioners, one dollar (\$1.00);

11 (2) treasurer, one dollar (\$1.00);

12 (3) assessor, one dollar (\$1.00);

13 (4) sheriff, one dollar (\$1.00); and

14 (5) county clerk, one dollar (\$1.00).

15 [~~(6) probate judge, three thousand five~~
16 ~~hundred five dollars (\$3,505); and~~

17 [~~(7) county surveyor, not to exceed ten dollars~~
18 ~~(\$10.00) per day for each day actually employed under orders by~~
19 ~~the board of county commissioners, such employment not to~~
20 ~~exceed fifty days in any one year]~~

21 B. The [~~elected~~] H class county officials listed in
22 Subsection A of this section [~~except probate judge~~] in addition
23 to the salaries prescribed shall be entitled to receive as per
24 diem expense the sum of not more than fifteen dollars (\$15.00)
25 while in actual attendance at county commission meetings or

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1 while engaged in the performance of their official duties for
2 the county. However, the total per diem expense allowance for
3 each ~~[elected]~~ H class county official listed in Subsection A
4 of this section shall not exceed three hundred fifty dollars
5 (\$350) in any fiscal year. Such per diem expense shall be in
6 addition to any allowance for sheriff's mileage or for other
7 out-of-county expenses allowed for all officials by law and
8 shall be budgeted, paid and audited as provided by laws
9 governing expenditures of county funds.

10 C. The majority of an H class county board of
11 county commissioners shall provide for the probate judge to
12 earn a salary not to exceed four thousand thirty-one dollars
13 (\$4,031). The board of county commissioners may provide for
14 salary changes for the probate judge; provided, however, that
15 no salary change shall take effect until the first day of the
16 term of an H class county probate judge who takes office after
17 the date that the salary change is approved."

18 SECTION 8. REPEAL.--Sections 4-44-7, 4-44-8, 4-44-12.1,
19 4-44-12.2, 4-44-13 and 4-44-17 NMSA 1978 (being Laws 1957,
20 Chapter 196, Sections 5 and 6, Laws 1982, Chapter 39, Sections
21 10 and 12, Laws 1957, Chapter 196, Section 12 and Laws 1953,
22 Chapter 59, Section 1, as amended) are repealed.

23 SECTION 9. EFFECTIVE DATE.--

24 A. The effective date of the provisions of Sections
25 1 through 5, 7 and 8 of this act is January 1, 2013.

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B. The effective date of the provisions of Section
6 of this act is July 1, 2012.

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