

LFC Requester:	
-----------------------	--

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.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}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 1/30/2024

Bill No: HB 241

Sponsor:	R. Pettigrew; J. Townsend; C. Brown; M. Duncan	Agency Name and Code Number:	DFA-Local Government Division: 341
	Short Title: COUNTY OFFICIAL SALARY CAPS		Person Writing: Shirley Green
		Phone: 505-629-8102	Email: Shirleyt.green@dfa.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	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

House Bill 241 (HB241) increases the county elected official’s salary cap per Article 44 by 26.53 percent effective after the next general election after the effective date of this act; County Classification are as follows:

- Five Commissioners
- County Treasurer,
- County Clerk
- County Assessor
- County Sheriff
- Probate Judge

An increase to the salary cap could provide benefits to approximately 330 county elected officials.

Effective date July 1st, 2025

FISCAL IMPLICATIONS

Projected elected officials’ salary increases would increase the county’s budget approximately by \$416,057.00, the next 4 years.

The increased salaries would be paid from the county’s general fund and the projected salary increase are as follows:

				Increase amount	percentage
County Commissioners	Class A	\$39,106.00	\$49,482.00	\$10,376.00	26.53%
Treasurer	Class A	\$86,626.00	\$109,610.00	\$22,984.00	26.53%
Assessor	Class A	\$86,626.00	\$109,610.00	\$22,984.00	26.53%
Sheriff	Class A	\$90,338.00	\$114,306.00	\$23,968.00	26.53%
County Clerk	Class A	\$86,626.00	\$109,610.00	\$22,984.00	26.53%
Probate Judge	Class A	\$38,114.00	\$48,226.00	\$10,112.00	26.53%
	High Valuation			Increase amount	percentage
County Commissioners	Class B	\$ 30,196.00	\$ 38,208.00	\$8,012.00	26.53%
Treasurer	Class B	\$ 75,733.00	\$ 95,826.00	\$20,093.00	26.53%
Assessor	Class B	\$ 75,733.00	\$ 95,826.00	\$20,093.00	26.53%
Sheriff	Class B	\$ 78,952.00	\$ 99,899.00	\$20,947.00	26.53%
County Clerk	Class B	\$ 75,733.00	\$ 95,826.00	\$20,093.00	26.53%
Probate Judge	Class B	\$ 26,482.00	\$ 33,508.00	\$7,026.00	26.53%
	Intermediate Valuation			Increase amount	percentage
County Commissioners	Class B	\$ 21,534.00	\$ 27,247.00	\$5,713.00	26.53%
Treasurer	Class B	\$ 64,844.00	\$ 82,048.00	\$17,204.00	26.53%
Assessor	Class B	\$ 64,844.00	\$ 82,048.00	\$17,204.00	26.53%
Sheriff	Class B	\$ 67,814.00	\$ 85,806.00	\$17,992.00	26.53%
County Clerk	Class B	\$ 64,844.00	\$ 82,048.00	\$17,204.00	26.53%
Probate Judge	Class B	\$ 15,098.00	\$ 19,104.00	\$4,006.00	26.53%
				Increase amount	percentage
County Commissioners	Class H	\$ 15,844.00	\$ 20,048.00	\$4,204.00	26.53%
Treasurer	Class H	\$ 7,922.00	\$ 10,024.00	\$2,102.00	26.53%
Assessor	Class H	\$ 7,922.00	\$ 10,024.00	\$2,102.00	26.53%
Sheriff	Class H	\$ 7,922.00	\$ 10,024.00	\$2,102.00	26.53%
County Clerk	Class H	\$ 7,922.00	\$ 10,024.00	\$2,102.00	26.53%
Probate Judge	Class H	\$ 4,636.00	\$ 5,866.00	\$1,230.00	26.53%

SIGNIFICANT ISSUES

- The salary cap limit for county elected officials is set by statute: Chapter 4, Article 44.
- An increased salary cap for county elected officials would eliminate the problem of chief deputies and undersheriffs making significantly more than the elected official. Increasing the current FY22 cap will remedy the county elected officials' concerns and align the salary appropriately by rank and title.
- The last time the legislature increased the salary cap was in 2018.
- In 2022, HB219 passed the House (66-0) and Senate (38-0) unanimously. Pocket Veto.
- Including a yearly index increase would reduce or eliminate the need to continually request a cap increase.
- Raising the cap gives local authority to the board of County Commissions to set the salary within their budget limitations and within the salary cap. County Commissions may choose to not give any salary increases, based on their resources.

- Current law requires that if a County Commission approves an increase, then the percentage increase must be equal for all elected officials, based on the county classification as indicated in Article 44.
- There are no midterm salary increases. Elected or appointed officials' salaries are set first day they take office or are elected to a second term, after the effective date of this act.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS-

Amendments to Article 44 required to align with new language of HB241, eliminating the biennial determination of classification every two (2) even years. Amendment to HB241 specifying a new calculation schedule, such as yearly or continue every two odd years starting with FY25.