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FISCAL IMPACT REPORT

SPONSOR: Gonzales DATE TYPED: 2/17/03 HB 149/aHGUAC

SHORT TITLE: Adjutant General Amendments SB _____

ANALYST: Collard

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Senate Bill 144 in some requirements
 Conflicts with Senate Bill 144 in salary

SOURCES OF INFORMATION

Responses Received From
 Department of Military Affairs

SUMMARY

Synopsis of HGUAC Amendment

The House Government and Urban Affairs Committee amends House Bill 149 by removing the emergency clause. It also modifies requirements for removal of a commissioned or warrant officer by relinquishing the power of the Governor to remove a commissioned or warrant officer alone. The HGUAC amendment states that one way a commissioned or warrant officer can be discharged is “upon recommendation of a federal recognition board or other state efficiency board when directed by the governor through the adjutant general, provided that the state efficiency board is convened in a manner prescribed in accordance with United States department of defense regulations.”

The Department of Military Affairs supports the amendment because it maintains the military chain of command while ensuring the Governor continues his ability to impact the forces under his control.

Synopsis of Original Bill

House Bill 149 amends the requirements for appointment of adjutant general and the provisions for discharge of a commissioned or warrant officer. House Bill 149 has an emergency clause to make it applicable upon signature of the Governor.

Significant Issues

The Department of Military Affairs indicates the first significant change is the eligibility appointment criteria for the adjutant general. Currently, anyone appointed adjutant general must have been a federally recognized officer in the New Mexico national guard for three years. The proposed bill lengthens the time to five years. The bill also adds termination of a commissioned or warrant officer by the Governor.

FISCAL IMPLICATIONS

There is no appropriation or significant fiscal impact associated with this bill.

DUPLICATION AND CONFLICT

House Bill 149 duplicates Senate Bill 144 in requiring that the adjutant general is a federally recognized officer in the New Mexico national guard for at least five years preceding the nomination at the rank of major or higher.

House Bill 149 conflicts with Senate Bill 144 in salary. House Bill 149 states the adjutant general “shall receive the same pay and allowance as is prescribed by federal law and regulations for members of the active military in the grade of major general, unless a different rate of pay and allowances is specified in the annual appropriations bill.” Senate Bill 144 establishes the adjutant general’s salary to be equal with a cabinet level position.

The Department of Military Affairs indicates a legislative conflict because Section 20-1-5 NMSA 1978 states that the only method of removal of an adjutant general is by a court marshal or through an efficiency board. The added change to House Bill 149, Section 20-4-1(7) NMSA 1978, could allow the Governor the power to remove an adjutant general from office, creating another mechanism to relieve or replace an adjutant general. This change would conflict with statutory procedures in Section 20-1-5.

KBC/yr