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FISCAL IMPACT REPORT

SPONSOR:	Aragon	DATE TYPED:	02/03/03	НВ	
SHORT TITLE: Adjutant General's C		Office		SB	144
ANALYST				YST:	Collard

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			See Narrative	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 285 Relates to HB 149

SOURCES OF INFORMATION

Responses Received From Department of Military Affairs

SUMMARY

Synopsis of Bill

Senate Bill 144 establishes the adjutant general's salary to be equal with a cabinet level position. It also establishes specific qualifications for his appointment and confirmation. Finally, the bill changes the deputy adjutant general to an exempt employee of the state and repeals the provision for honorary promotion on retirement.

Significant Issues

Qualifications for the adjutant general include:

- ? A federally recognized officer of the rank of lieutenant colonel or higher;
- ? Has served as a commander in the New Mexico national guard for at least three years preceding the nomination;
- ? Has served as a federally recognized officer in the New Mexico national guard for at least five years preceding the nomination; and
- ? Shall have the military grade of major general.

FISCAL IMPLICATIONS

The Department of Military Affairs notes this bill elevates the office of the adjutant general to a cabinet level position in terms of pay. The cabinet level pay can vary from \$86.6 to \$100.0. The current adjutant general salary is \$87.1. The deputy adjutant general position would become an exempt position subject to pay established by the adjutant general and the go vernor.

DUPLICATION and RELATIONSHIP

Senate Bill 144 duplicates House Bill 285. Senate Bill 144 is similar to House Bill 149, addressing some of the same legislation changes to the Department of Military Affairs, but in greater detail than House Bill 149.

OTHER SUBSTANTIVE ISSUES

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 Senate Bill 144, 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.

The department also notes the deletion of Section 20-4-1(B)(5) is contrary to existing federal regulations pertaining to the National Guard as the National Guard Regulations clearly provide that federal recognition boards are a proper mechanism to determine continued service for commissioned officers and warrant officers, or to eliminate the same for non-performance or other reasons established by regulation.

KBC/sb