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FISCAL IMPACT REPORT

ORIGINAL DATE 03/05/13
 SPONSOR HVEC LAST UPDATED 03/12/13 HB 515/HVECS
 SHORT TITLE Training & Suspension of Municipal Officers SB _____
 ANALYST Boerner

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$0.0	\$0.0		Nonrecurring	None

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 435, Municipal Disincorporation
 Relates to SB 438, Additional Requirements for Incorporation

SOURCES OF INFORMATION

LFC Files
Responses Received From
 Department of Finance and Administration (DFA)
 New Mexico Municipal League (NMML)
 Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

The House Voters and Elections Committee Substitute for House Bill 515 amends Section 3-10-2 NMSA 1978 to require the DFA, in consultation with the NM Municipal League, to establish a training course (in ethics, finances or other topics) for officers elected or appointed to municipal office and to select (or enter into contracts with) the trainers, who can be affiliated with other governmental or nongovernmental entities.

Municipal officers are required to successfully complete the training within one year of being elected or appointed and are eligible for reimbursement of travel expenses by the municipality.

The DFA, by written order to the mayor, may suspend compensation for a municipal officer who fails to attend the required training by the deadline. The DFA, again by written order, may lift the suspension after determining that the required training has been met, and the municipality will remit all compensation earned during the suspension back to the officer within a reasonable time.

Finally, similar language was added to Section 10-1-13 NMSA 1978 for county officers.

FISCAL IMPLICATIONS

None noted.

SIGNIFICANT LEGAL ISSUES

The AGO notes that the summary suspension of the compensation of a municipal or county officer by DFA, without an opportunity for the officer to be heard, may be a violation of due process rights. Summary suspensions have been upheld in the past, but almost always in the context where the affected individuals had a post-deprivation right to a hearing or at least some opportunity to be heard.

PERFORMANCE IMPLICATIONS

The DFA would partner with the New Mexico Association of Counties (NMAC) and the NMML to determine the appropriate course subject matter for the various officers affected by this legislation. As the NMAC and NMML currently provide courses for the benefit of their respective officers, they are a natural option to provide the DFA-approved training.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this legislation is not enacted, officers elected or appointed to elective county and municipal offices would continue to attend any available training courses through the DFA, NMAC, or NMML on a voluntary basis and opportunities to upgrade their knowledge and skills to serve in their elected offices will continue to be missed.

CEB/blm