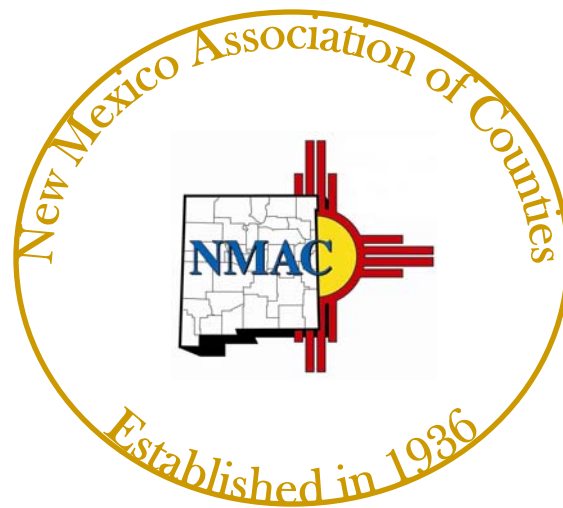




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A Message from the President



Dear County Members,

Greetings to all!

The 2008 regular session brought several good things to county governments, and gave us a list of important issues to work on in the interim before 2009. The corrections to the State Minimum Wage Act were passed and signed by the Governor in just 3 days, resulting in enormous savings to county payrolls. The Clerks now have a more equitable and flexible Recording Fee statute. The Small County Assistance Fund was increased by half a million dollars, and a study of county inmate health provider reimbursement is already underway. In addition there are four studies of law enforcement and jail population issues of significant interest to counties that will be conducted this year.

I want to thank our Executive Director, Paul Gutierrez, and our lobbyists, Tito Chavez and Tasia Young, for their efforts to make all of this happen. Thanks also to Affiliate Chairs Rhonda Burrows (Health Care), Karen Montoya (Assessors), Sheryl Nichols (Clerks), and Patrick Snedeker (Detention Administrators) for their excellent work and expertise in their respective fields. Please remember to thank our wonderful legislative sponsors when you see them in your communities: Representatives Gonzales, King, and Madelena, and Senators Jennings, Martinez and Smith.

I hope to see all of you at the Annual Conference in Las Cruces in June!

Respectfully submitted,

A handwritten signature in blue ink that reads "Michael Anaya". The signature is written in a cursive, flowing style and is positioned above a horizontal line.

Michael D. Anaya
President



A Message from the Executive Director



Dear Board of Directors and County Members:

The 2008 legislative session overall was a good session for the New Mexico Association of Counties. Although we did not get all of our priorities through the session, we advanced the discussion on franchise fees and health care reimbursement rates. We were successful in getting enacted a fix to the State Minimum Wage Act which would have negatively affected county budgets by approximately \$10 to \$20 million per year. Senate Bill 66 was the first bill passed by the legislature and signed by the Governor.

There were several memorials passed by the legislature that are related to county government or which specifically reference the New Mexico Association of Counties. Below is a list of memorials that we will be working on in preparation for the 2009 session:

- HM19 Study Traffic Offense Adjudicative Procedure
- HM 22 Traffic Offenses Decriminalization
- HM 41 Review Property Tax Implications
- HM 60 Federal Funding for Uncompensated Patient Care
- HJM 22 Jail Overcrowding Study
- SM 47 Fiscal Impact of Criminal Penalties
- SM 48 County Inmate Health Provider Reimbursement
- SJM 34 Manage County Jail Overcrowding
- SJM 44 Volunteer Firefighters Retirement Amendments

In closing, I would like to thank our members who volunteered their time to help us advocate for county government. Our President Mike Anaya, Vice President Tony Atkinson, Affiliate Chairs: Rhonda Burrows, Karen Montoya, Sheryl Nichols, and Patrick Snedeker. I also would like to thank our lobbyist Tasia Young and Tito Chavez for the professional dedication to the counties and Steve Kopelman, JuneElsa Gallegos, Renee Archuleta and Joy Esparsen for their help behind the scenes.

Sincerely,

A handwritten signature in blue ink that reads "Paul Gutierrez". The signature is written in a cursive, flowing style.

Paul Gutierrez
Executive Director

CLERKS AND ELECTIONS

HB 237 Automatic Vote Recounts

Campos

Requires an automatic vote recount, when the returns for a state or federal office in a general election indicate that the margin between the two leading candidates is less than one-half of one percent of the total vote cast for that office.

Signed by the Governor; effective May 14, 2008.

HB 249 Community College Elections

Wirth

Permits community college boards either to hold their elections at the same time as school district elections, the first Tuesday of February in odd-numbered years, or continue to hold their elections on the first Tuesday of March in odd-numbered years.

Signed by the Governor; effective May 14, 2008.

SB 1 Primary Election Petitions

Sanchez, M.

Restores language stricken by the 2007 Legislature, which provides that a candidate who fails to garner at least 20 percent of the convention vote may still get on the primary ballot by collecting additional nominating petition signatures equal to four percent of the total vote of the candidate's party in the state or congressional district and filing a new declaration of candidacy with the Secretary of State.

Signed by the Governor on February 29; effective immediately.

SB 80 Federal Election Law Conformity

Morales

Replaces all language in the Election Code pertaining to cancellation of voter registration with a provision that the Secretary of State, County Clerks and registration boards, in accordance with the Federal National Voter Registration Act of 1993, shall remove from lists of eligible voters the names of those who have become ineligible due to a change in residence. The Secretary of State would issue registration cancellation rules conforming to the federal act. Requires that all records relating to an election in which a federal candidate is on the ballot must be retained and preserved for 22 months. Non-federal election records must be retained for 45 days after adjournment of the canvassing board.

Signed by the Governor on February 29; effective immediately.

SB 81 Voter Identification

Morales

Removes the voter ID card as an accepted form of identification for voting purposes. Adds the voter registration address to the verbal or written statement made by a voter in order to vote. Deletes the requirement that the last four digits of voter's social security numbers must appear on voter checklists and signature rosters. Requires County Clerks to prepare and certify accuracy of checklists and rosters and to supply a voter list for public use for each precinct. Requires precinct presiding judges, after polls are closed, to deliver the signed signature roster to the County Clerk and mail the checklist to the Secretary of State. Absentee ballot applications and mail-back envelopes would be required to bear voters' registration addresses. Voter checklists would not contain voter addresses or any other personal information.

Signed by the Governor; effective May 14, 2008.

SB 209 Correction to Electronic Recording Act

Martinez

Contains no substantive changes but corrects an incomplete statutory citation in the Uniform Real Property Electronic Recording Act to clarify which section of the act is referenced.

Signed by the Governor; effective May 14, 2008.

SB 256 Absentee Voting in Small Precincts

Duran

Provides for designation of an election precinct as a “mail ballot precinct “ by the Board of County Commissioners, upon the request of the County Clerk, if the Board finds that the precinct has fewer than 50 voters and the nearest polling place for an adjoining precinct is more than 30 miles driving distance from the polling place designated for the precinct in question.

Pocket vetoed by the Governor; no veto message.

SJR 4 Combine School and Non-Partisan Elections

Sanchez, M.

If approved by the voters in November, would amend the state constitution to allow school elections to be held at the same time as other elections. The actual language states only that, “All school elections shall be held at different times from partisan elections.” The Fiscal Impact Report suggests that it is not possible to compute savings that might result, since it is not known which school districts would act to combine their elections.

No Governor action required

Thanks to NMAC Clerks Affiliate President Sheryl Nichols for her assistance with this section.



COUNTIES – GENERAL

SB 6 Basis for Classifying Counties

Komadina

Revises the current system of classifying counties based on the official decennial census, to a system using the most current annual population data or estimate available from the U. S. Census Bureau. Would have affected only Sandoval county, but the Fiscal Impact Report states that Valencia and McKinley are also expected to reach the 100,000 population necessary to upgrade them to Class A counties between 2010 and 2020, and would be reclassified prior to 2020. The bill also amended the date when salaries would be fixed by DFA, from January 1 to July 1.

Pocket vetoed by the Governor; no message.



DETENTION AND CORRECTIONS

CS/HB 2 General Appropriations Act

Appropriates \$5.1 million to the Department of Finance for “county detention of prisoners.”

Partial veto of the bill by the Governor did not affect this line item appropriation.

HJM 22 Jail Overcrowding Study Swisstack

Recognizes the lack of statutory authority provided to county governments to effectively manage county jail populations and directs the Interim Courts, Corrections, and Justice Committee, in collaboration with the New Mexico Association of Counties, to study current law relating to jail operations and report its finding and recommendations to the Legislature prior to the 2009 Session.

No Governor action required.

SJM 34 Managing Jail Overcrowding Lopez

Directs the interim legislative committee that studies corrections issues (Courts, Corrections & Justice) in collaboration with the New Mexico Association of Counties, to study current law relating to jail operations, report its findings and make recommendations to the Legislature prior to the 2009 session.

No Governor action required.



FIREFIIGHTERS

SJM 44 Volunteer Firefighters Retirement Amendments Nava

Requests the Public Employee Retirement Association (PERA), the State Fire Marshal’s Office, the State Volunteer Firefighter Association, the Fire Service Council, the Municipal League and the Association of Counties to report to the appropriate interim committee after June 1, 2008, and propose amendments to the Volunteer Firefighters Retirement Act to remedy the difficulty of administering the Act, as outlined in the memorial.

No Governor action required.



HEALTH AND HOSPITALS

HB 615 Distributions to Sole Community Provider Fund Varela

Allows transfer of any county local option gross receipts tax (grt). not just the second 1/8% increment, to the Sole Community Provider Fund, if approved by a County’s Board of Commissioners (BCC). NMAC’s preliminary legal opinion is that county participation in the intercept is voluntary and requires independent action by the BCC, which can designate all, any, or none of the grt proceeds for interception. BCC action taken prior to HB 615 becoming law does not authorize implementation of the intercept language.

Signed by the Governor on February 28; effective immediately.

HM 60 Federal Funding for Uncompensated Patient Care Rehm

Requests the New Mexico Health Policy (HPC) Commission to convene a task force of nine members (appointed by the executive branch, including the Medicaid Director or designee, a representative of UNMH, an HPC member, and “members with expertise in Medicaid and hospital funding”). Taskforce members are to study options for securing addition federal funds for uncompensated indigent patient care in New Mexico hospitals, including requesting an expansion of the existing federal waiver for the State Coverage Initiative, and to report to the appropriate (most likely Health and Human Services) interim committee no later than December 1, 2008.

No Governor action required.

SB 116 Raise Property Tax Limitation Income Limit Snyder
Changes the property tax valuation limit for low income homeowners who are 65 years and older. Current law freezes valuation on property if the homeowner is 65 or older and has a modified gross income of less than \$18,000. SB 116 changes the income threshold to \$32,000, freezes on the year the taxpayer turns 65, or freezes on the year after the tax year a home is first occupied if the owner is over 65.
Signed by the Governor; effective May 14, 2008.

SB 177 Monthly Property Tax Prepayments Sanchez, B.
Creates a new section of the property tax code to allow an optional prepayment of property taxes in monthly payments in Class A Counties. Would allow taxpayers to pay in ten monthly payments with the first 9 months being 10% of the prior year tax till and the 10th payment the balance of property tax due. Under current law, taxpayers may pay in two portions due in November and April. Changes apply to property tax years beginning after January 1, 2009.
Signed by the Governor; effective May 14, 2008.

SB 355 Raise Property Tax Limitation Income Limit Ryan
Changes property tax valuation limit for low income homeowners who are 65 years of older, who do not exceed certain federal poverty levels, and for disabled homeowners also meeting poverty level standards.
Pocket vetoed by the Governor; no veto message.



SMALL COUNTY ASSISTANCE

HB 218 Small County Assistance Act Amendment Gonzales
Amends the current Act by revising definition of the inflation factor within the calculation for distribution of funds to qualifying counties. Fiscal impact report estimates the increased distribution to small counties from the State General Fund to be \$.5 million.
Signed by the Governor; effective July 1, 2008.



TREASURERS

HB 184 Local Government Investment Provisions (LGIP) Varela
Relaxes restrictions on the type of entities that may participate in the LGIP. Allows participation by any local government, tribe located wholly or partially in New Mexico or other governmental or quasi-governmental body created pursuant to New Mexico statute. Participation is subject to approval by participation entity's governing authority.
Signed by the Governor on February 27; effective immediately.

*For additional information,
Contact Tasia Young at
tyoung@nmcountries.org or 505-496-6409*

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Jack Daly	Western Emulsions, Inc.
Kious & Comapny	Western NM Telephone Co.
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MGT of America, Inc	Wilson & Company

We hope to see you all at our Annual Conference
In
Las Cruces, New Mexico
(Doña Ana County)

June 18th, 19th and 20th

Register online at

www.nmcounties.org



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