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HOUSE BILL 24

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2009**

INTRODUCED BY

Nathan P. Cote

AN ACT

RELATING TO PERSONNEL; REDUCING EXEMPT POSITIONS IN THE  
EXECUTIVE BRANCH; LIMITING EXEMPT EMPLOYEES FROM FILLING  
CLASSIFIED POSITIONS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Personnel Act is enacted  
to read:

"~~[NEW MATERIAL]~~ EXEMPT EMPLOYEES FILLING CLASSIFIED  
POSITIONS--PROHIBITION.--An employee of the state who is exempt  
from the Personnel Act pursuant to Subsection B, C, D, G, K or  
N of Section 10-9-4 NMSA 1978 shall not be eligible for a  
classified position in a department or agency under the control  
of an elected official in the executive branch during the last  
two years of the term of the elected official under whose  
administration the exempt employee was appointed or retained."

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1           Section 2. EXECUTIVE EXEMPT POSITIONS--REDUCTION IN  
2 FORCE--TEMPORARY PROVISION.--

3           A. The legislature finds that the current fiscal  
4 crisis requires extraordinary measures to ensure fiscal  
5 solvency for fiscal years 2010 and 2011. The governor shall  
6 prepare and implement a reduction in force plan for exempt  
7 employees in cabinet departments and other state agencies under  
8 the control of the governor that reduces the total number of  
9 exempt employees in those state agencies by at least one  
10 hundred eighty; provided that a position that has been  
11 confirmed by the senate or is required by a specific law shall  
12 not be eliminated; and provided further that the reduction in  
13 force shall not affect employees making an annual salary of  
14 fifty thousand dollars (\$50,000) or less. The reduction in  
15 force shall be accomplished by January 22, 2010.

16           B. Eight million one hundred thousand dollars  
17 (\$8,100,000) is reduced from the personal services and benefits  
18 categories in Section 4 of the General Appropriation Act of  
19 2009 in those agencies under the control of the governor. The  
20 department of finance and administration shall adjust the  
21 budgets of each agency in proportion to the number and salaries  
22 of its exempt employees with a salary of more than fifty  
23 thousand dollars (\$50,000).

24           Section 3. EMERGENCY.--It is necessary for the public  
25 peace, health and safety that this act take effect immediately.

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