

SENATE BILL 52

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Sander Rue

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO PUBLIC MONEY; CREATING THE GOVERNOR'S CONTINGENCY FUND IN THE STATE TREASURY; REQUIRING EXPENDITURES FROM THE FUND TO COMPLY WITH STATE LAW; REQUIRING ANNUAL AUDITS OF THE FUND; CLARIFYING USES OF THE FUND.

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

SECTION 1. [NEW MATERIAL] GOVERNOR'S CONTINGENCY FUND--
CREATED--PURPOSE--AUDITS.--The "governor's contingency fund" is
created in the state treasury. The governor's office shall
administer the fund, and money in the fund shall be expended by

.209268.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

the governor's office to pay for expenses directly connected with obligations of the elected office of governor. Expenditures from the fund shall be by warrant of the secretary of finance and administration upon vouchers signed by the governor or the governor's authorized representative. SFC→Any unexpended or unencumbered balance remaining at the end of a fiscal year shall revert to the general fund.←SFC Money in the fund shall not be used to pay or supplement the salary of the governor or any state employee or as perquisites or allowances for state employees. The fund is subject to the provisions of the Audit Act, the Procurement Code, the Inspection of Public Records Act and all other applicable laws and rules. The governor shall provide monthly reports to the department of finance and administration and the legislative finance committee about expenditures from the fund, including an itemized list of expenditures and the balance remaining in the fund.

SECTION 2. Section 10-8-5 NMSA 1978 (being Laws 1978, Chapter 184, Section 4, as amended) is amended to read:

"10-8-5. RESTRICTIONS--~~[REGULATIONS]~~ RULES.--

A. The secretary may promulgate rules [~~and regulations~~] for state agencies and local public bodies for the purpose of carrying out the provisions of the Per Diem and Mileage Act. Public officials of public post-secondary educational institutions and employees of public post-secondary

.209268.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

educational institutions shall be subject to the rules [~~and regulations~~] of their governing boards.

B. Public funds may be advanced to any public officer or employee before the travel occurs only with prior written approval of the secretary, the secretary's designee, the local public body or the governing board or its designee. This restriction shall not prohibit the use of authorized credit cards in connection with purchases necessary to the use of vehicles owned by the state, a local public body or a public post-secondary educational institution or for food, lodging or transportation as permitted by the department of finance and administration or the governing board. Public funds shall be paid out under the Per Diem and Mileage Act only upon vouchers duly presented with any required receipts attached thereto. For employees authorized to receive public funds in advance of travel, payment shall be received only upon vouchers submitted with attached authorization for each travel period. For public officers or employees using authorized credit cards, vouchers with required receipts for each month's travel expenses shall be submitted as a condition to receiving authorization to use the credit card for the next month's travel. Travel expenses may also be advanced if the travel is to be performed under provisions of federal or private contracts and the funds used are not derived from taxes or revenues paid to the state or any of its political subdivisions.

.209268.1

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↔

delete = →bold, red, highlight, strikethrough↔

~~[G. Money expended by the governor from the appropriations made for his office and contingent and other expenses are not subject to any of the foregoing provisions of this section and are not subject to audit; provided that the governor shall only use contingent and other expenses for purposes connected with obligations of the office. An expenditure report on the use of the governor's contingent and other expenses shall be submitted annually to the department of finance and administration.~~

~~D.]~~ C. The secretary may reduce the rates set for the per diem and mileage for any class of public officials and for employees of state agencies, except public officials of public post-secondary educational institutions, at any time [he] the secretary deems it to be in the public interest, and such reduction shall not be construed to permit payment of any other compensation, perquisite or allowance. The secretary shall exercise this power of reduction in a reasonable manner and shall attempt to achieve a standard rate for all public officers and employees of the same classification. The secretary may, at the request of any state agency and for good cause shown, reduce the rates of per diem and mileage for that state agency. The governing body of any local public body may eliminate or may reduce the rates set for the per diem and mileage for all or any class of public officials and employees of the local public body at any time the local public body

.209268.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

deems it to be in the public interest, and such reduction shall not be construed to permit payment of any other compensation, perquisite or allowance. The local public body shall exercise this power of reduction in a reasonable manner and shall attempt to achieve a standard rate for all public officers and employees of the same classification. The secretary may, in extraordinary circumstances and with the prior approval of the state board of finance in public meeting, allow actual expenses rather than the per diem rates set in the Per Diem and Mileage Act.

[E-] D. The governing board or its designee may reduce the rates set for the per diem and mileage for public officials of public post-secondary educational institutions and for employees of public post-secondary educational institutions at any time the governing board deems it to be in the public interest, and such reduction shall not be construed to permit payment of any other compensation, perquisite or allowance. The governing board shall exercise this power of reduction in a reasonable manner and shall attempt to achieve a standard rate for public officers and employees of public post-secondary educational institutions. The governing board may reduce the rates of per diem and mileage for its public post-secondary educational institution and may, in extraordinary circumstances and in public meeting, allow actual expenses rather than the per diem rates set in the Per Diem and Mileage Act.

.209268.1

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↔

delete = →bold, red, highlight, strikethrough↔

[F.] E. No reimbursement for out-of-state travel shall be paid to any elected public officer, including any member of the legislature, if after the last day to do so that officer has not filed a declaration of candidacy for reelection to ~~[his]~~ the public officer's currently held office or has been defeated for reelection to ~~[his]~~ the public officer's currently held office in a primary election or any general election.

[G.] F. Subsection [F] E of this section does not apply to any elected public officer who is ineligible to ~~[succeed himself]~~ serve another term after serving ~~[his]~~ the public officer's term in office.

[H.] G. Subsection [F] E of this section does not apply to legislators whose travel has been approved by a three-fourths' vote of the New Mexico legislative council at a regularly called meeting.

[I.] H. Any person who is not an employee, appointee or elected official of a county or municipality and who is reimbursed under the provisions of the Per Diem and Mileage Act in an amount that singly or in the aggregate exceeds one thousand five hundred dollars (\$1,500) in any one year shall not be entitled to further reimbursement under the provisions of that act until the person furnishes in writing to ~~[his]~~ the person's department head or, in the case of a department head or board or commission member, to the governor or, in the case of a member of the legislature, to the New

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

Mexico legislative council an itemized statement on each separate instance of travel covered within the reimbursement, the place to which traveled and the executive, judicial or legislative purpose served by the travel."

SFC→SECTION 3. APPLICABILITY.--The initial audit conducted pursuant to Section 1 of this act shall be only for expenditures occurring on or after January 1, 2019.

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2019.←SFC

- 7 -

.209268.1