

1 SENATE BILL 52

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Sander Rue

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10 AN ACT

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

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

17 SECTION 1. [NEW MATERIAL] GOVERNOR'S CONTINGENCY FUND--
18 CREATED--PURPOSE--AUDITS.--The "governor's contingency fund" is
19 created in the state treasury. The governor's office shall
20 administer the fund, and money in the fund shall be expended by
21 the governor's office to pay for expenses directly connected
22 with obligations of the elected office of governor.

23 Expenditures from the fund shall be by warrant of the secretary
24 of finance and administration upon vouchers signed by the
25 governor or the governor's authorized representative. Money in

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1 the fund shall not be used to pay or supplement the salary of
2 the governor or any state employee or as perquisites or
3 allowances for state employees. The fund is subject to the
4 provisions of the Audit Act, the Procurement Code, the
5 Inspection of Public Records Act and all other applicable laws
6 and rules. The governor shall provide monthly reports to the
7 department of finance and administration and the legislative
8 finance committee about expenditures from the fund, including
9 an itemized list of expenditures and the balance remaining in
10 the fund.

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

13 "10-8-5. RESTRICTIONS--~~[REGULATIONS]~~ RULES.--

14 A. The secretary may promulgate rules [~~and~~
15 ~~regulations~~] for state agencies and local public bodies for the
16 purpose of carrying out the provisions of the Per Diem and
17 Mileage Act. Public officials of public post-secondary
18 educational institutions and employees of public post-secondary
19 educational institutions shall be subject to the rules [~~and~~
20 ~~regulations~~] of their governing boards.

21 B. Public funds may be advanced to any public
22 officer or employee before the travel occurs only with prior
23 written approval of the secretary, the secretary's designee,
24 the local public body or the governing board or its designee.
25 This restriction shall not prohibit the use of authorized

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1 credit cards in connection with purchases necessary to the use
2 of vehicles owned by the state, a local public body or a public
3 post-secondary educational institution or for food, lodging or
4 transportation as permitted by the department of finance and
5 administration or the governing board. Public funds shall be
6 paid out under the Per Diem and Mileage Act only upon vouchers
7 duly presented with any required receipts attached thereto.

8 For employees authorized to receive public funds in advance of
9 travel, payment shall be received only upon vouchers submitted
10 with attached authorization for each travel period. For public
11 officers or employees using authorized credit cards, vouchers
12 with required receipts for each month's travel expenses shall
13 be submitted as a condition to receiving authorization to use
14 the credit card for the next month's travel. Travel expenses
15 may also be advanced if the travel is to be performed under
16 provisions of federal or private contracts and the funds used
17 are not derived from taxes or revenues paid to the state or any
18 of its political subdivisions.

19 ~~[G. Money expended by the governor from the~~
20 ~~appropriations made for his office and contingent and other~~
21 ~~expenses are not subject to any of the foregoing provisions of~~
22 ~~this section and are not subject to audit; provided that the~~
23 ~~governor shall only use contingent and other expenses for~~
24 ~~purposes connected with obligations of the office. An~~
25 ~~expenditure report on the use of the governor's contingent and~~

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1 ~~other expenses shall be submitted annually to the department of~~
2 ~~finance and administration.~~

3 D.] C. The secretary may reduce the rates set for
4 the per diem and mileage for any class of public officials and
5 for employees of state agencies, except public officials of
6 public post-secondary educational institutions, at any time
7 [he] the secretary deems it to be in the public interest, and
8 such reduction shall not be construed to permit payment of any
9 other compensation, perquisite or allowance. The secretary
10 shall exercise this power of reduction in a reasonable manner
11 and shall attempt to achieve a standard rate for all public
12 officers and employees of the same classification. The
13 secretary may, at the request of any state agency and for good
14 cause shown, reduce the rates of per diem and mileage for that
15 state agency. The governing body of any local public body may
16 eliminate or may reduce the rates set for the per diem and
17 mileage for all or any class of public officials and employees
18 of the local public body at any time the local public body
19 deems it to be in the public interest, and such reduction shall
20 not be construed to permit payment of any other compensation,
21 perquisite or allowance. The local public body shall exercise
22 this power of reduction in a reasonable manner and shall
23 attempt to achieve a standard rate for all public officers and
24 employees of the same classification. The secretary may, in
25 extraordinary circumstances and with the prior approval of the

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1 state board of finance in public meeting, allow actual expenses
2 rather than the per diem rates set in the Per Diem and Mileage
3 Act.

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

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

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