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SENATE BILL 580

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Phillip Griego

AN ACT

RELATING TO REIMBURSEMENT PURSUANT TO THE PER DIEM AND MILEAGE ACT; AMENDING THAT ACT TO RAISE THE PER DIEM PAYMENTS.

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

Section 1. Section 10-8-4 NMSA 1978 (being Laws 1963, Chapter 31, Section 3, as amended) is amended to read:

"10-8-4. PER DIEM AND MILEAGE RATES--IN LIEU OF PAYMENT. --

A. Notwithstanding any other specific law to the contrary and except as provided in Subsection I of this section, every nonsalaried public officer shall receive either reimbursement pursuant to the provisions of Subsection K or L of this section or up to seventy-five dollars (\$75.00) per diem expenses:

- (1) for each board or committee meeting

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1 attended; or

2 (2) for each day spent in discharge of  
3 official duties for travel within the state but away from his  
4 home.

5 Nonsalaried public officers who travel to attend a board  
6 or committee meeting may elect to be reimbursed per diem under  
7 either Paragraph (1) or (2) of this subsection.

8 B. Every salaried public officer or employee who  
9 is traveling within the state but away from his home and away  
10 from his designated post of duty on official business shall  
11 receive either reimbursement pursuant to the provisions of  
12 Subsection K or L of this section or:

13 (1) up to [~~sixty-five dollars (\$65.00)~~] one  
14 hundred dollars (\$100) per diem expenses for each day spent in  
15 the discharge of his official duties for a salaried public  
16 officer or employee of a local public body or state agency. If  
17 the secretary finds that a per diem allowance of [~~sixty-five~~  
18 ~~dollars (\$65.00)~~] one hundred dollars (\$100) is inadequate for  
19 reimbursement of expenses in any municipality of this state,  
20 the secretary may authorize the reimbursement of per diem for  
21 travel to such municipality not to exceed [~~seventy-five~~  
22 ~~dollars (\$75.00)~~] one hundred twenty-five dollars (\$125); or

23 (2) up to [~~sixty-five dollars (\$65.00)~~] one  
24 hundred dollars (\$100) per diem expenses for each day spent in  
25 the discharge of his official duties for a salaried public

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1 officer or employee of a public post-secondary educational  
2 institution. If the governing board finds that a per diem  
3 allowance of [~~sixty-five dollars (\$65.00)~~] one hundred dollars  
4 (\$100) is inadequate for reimbursement of expenses in any  
5 municipality of this state, the governing board may authorize  
6 the reimbursement of per diem for travel to such municipality  
7 not to exceed [~~seventy-five dollars (\$75.00)~~] one hundred  
8 twenty-five dollars (\$125).

9 C. Every public officer or employee shall receive  
10 either reimbursement pursuant to the provisions of Subsection  
11 K or L of this section or:

12 (1) for public officers or employees of a  
13 state agency or local public body, up to [~~seventy-five dollars~~  
14 ~~(\$75.00)~~] one hundred twenty-five dollars (\$125) per diem  
15 expenses for each day of travel outside the state on official  
16 business. If the secretary finds that a per diem allowance of  
17 [~~seventy-five dollars (\$75.00)~~] one hundred twenty-five  
18 dollars (\$125.00) is inadequate for out-of-state travel to a  
19 geographical area, the secretary may authorize per diem not to  
20 exceed [~~ninety-five dollars (\$95.00)~~] one hundred fifty  
21 dollars (\$150) for out-of-state travel to such geographical  
22 area; provided that the secretary may authorize per diem for  
23 travel to a locality inside or outside the continental United  
24 States for a public officer or employee who is reimbursed  
25 solely from federal funds in accordance with the rate allowed

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1 by the federal government for travel to that locality. In  
2 lieu of per diem, persons trained in the field of accountancy  
3 and performing duties in that field of training as an employee  
4 while assigned for periods exceeding three weeks per  
5 assignment to travel out-of-state on official business may  
6 receive either reimbursement pursuant to the provisions of  
7 Subsection L of this section or actual expenses not to exceed  
8 [~~ninety-five dollars (\$95.00)~~] one hundred fifty dollars  
9 (\$150) per day. Expenses shall be substantiated in accordance  
10 with rules promulgated by the department of finance and  
11 administration. The secretary may promulgate rules defining  
12 what constitutes out-of-state travel for purposes of the Per  
13 Diem and Mileage Act; or

14 (2) for public officers or employees of a  
15 public post-secondary educational institution, up to [~~seventy-~~  
16 ~~five dollars (\$75.00)~~] one hundred twenty-five dollars (\$125)  
17 per diem expenses for each day of travel outside the state on  
18 official business. If the governing board finds that a per  
19 diem allowance of [~~seventy-five dollars (\$75.00)~~] one hundred  
20 twenty-five dollars (\$125) is inadequate for out-of-state  
21 travel to a geographical area, the governing board may  
22 authorize per diem not to exceed [~~ninety-five dollars~~  
23 ~~(\$95.00)~~] one hundred fifty dollars (\$150) for out-of-state  
24 travel to such geographical area; provided that the governing  
25 board may authorize per diem for travel to a locality inside

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1 or outside the continental United States for a public officer  
2 or employee who is reimbursed solely from federal funds in  
3 accordance with the rate allowed by the federal government for  
4 travel to that locality. Expenses shall be substantiated in  
5 accordance with rules promulgated by the governing board. The  
6 governing board may promulgate rules defining what constitutes  
7 out-of-state travel for purposes of the Per Diem and Mileage  
8 Act.

9 D. Every public officer or employee shall receive  
10 twenty-five cents (\$.25) a mile for each mile traveled in a  
11 privately owned vehicle or forty cents (\$.40) a mile for each  
12 mile traveled in a privately owned airplane if the travel is  
13 necessary to the discharge of his official duties and if the  
14 private conveyance is not a common carrier. Provided,  
15 however, that only one person shall receive mileage for each  
16 mile traveled in a single privately owned vehicle or airplane  
17 except in the case of common carriers, in which case the  
18 person shall receive the cost of the ticket in lieu of the  
19 mileage allowance.

20 E. The per diem and mileage or per diem and cost  
21 of tickets for common carriers paid to salaried public  
22 officers or employees is in lieu of actual expenses for  
23 transportation, lodging and subsistence.

24 F. In addition to the in-state per diem set forth  
25 in this section, the department of finance and administration,

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1 by [~~regulation~~] rule, may authorize a flat subsistence rate in  
2 the amount set by the legislature in the general  
3 [~~appropriations~~] appropriation act for commissioned officers  
4 of the New Mexico state police in accordance with rules [ ~~and~~  
5 ~~regulations~~] promulgated by the department of finance and  
6 administration.

7 G. In lieu of the in-state per diem set in  
8 Subsection B of this section, the department of finance and  
9 administration may, by [~~regulation~~] rule, authorize a flat  
10 monthly subsistence rate for certain employees of the state  
11 highway and transportation department, provided that the  
12 payments made under this subsection shall not exceed the  
13 maximum amount that would be paid under Subsection B of this  
14 section.

15 H. Per diem received by nonsalaried public  
16 officers for travel on official business or in the discharge  
17 of their official duties, other than attending a board or  
18 committee meeting, and per diem received by public officers  
19 and employees for travel on official business shall be  
20 prorated in accordance with [~~regulations~~] rules of the  
21 department of finance and administration or the governing  
22 board.

23 I. The provisions of Subsection A of this section  
24 do not apply to payment of per diem expense to a nonsalaried  
25 public official of a municipality for attendance at board or

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1 committee meetings held within the boundaries of the  
2 municipality.

3 J. In addition to any other penalties prescribed  
4 by law for false swearing on an official voucher, it shall be  
5 cause for removal or dismissal from office.

6 K. With prior written approval of the secretary or  
7 the secretary's designee or the local public body, a  
8 nonsalaried public officer of a state agency or local public  
9 body, salaried public officer of a state agency or local  
10 public body or salaried employee of a state agency or local  
11 public body is entitled to per diem expenses under this  
12 subsection and shall receive:

13 (1) reimbursement for actual expenses for  
14 lodging; and

15 (2) reimbursement for actual expenses for  
16 meals not to exceed [~~twenty-two dollars fifty cents (\$22.50)~~]  
17 thirty dollars (\$30.00) per day.

18 L. With prior written approval of the governing  
19 board or its designee, a nonsalaried public officer of a  
20 public post-secondary educational institution, a salaried  
21 public officer of a public post-secondary educational  
22 institution or a salaried employee of a public post-secondary  
23 educational institution is entitled to per diem expenses under  
24 this subsection and shall receive:

25 (1) reimbursement for actual expenses for

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lodging; and  
(2) reimbursement for actual expenses for  
meals not to exceed [~~twenty two dollars fifty cents (\$22.50)~~]  
thirty dollars (\$30.00) per day. "

Section 2. EFFECTIVE DATE. --The effective date of the  
provisions of this act is July 1, 1999.



1 FORTY- FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3  
4  
5 March 10, 1999

6  
7 Mr. President:

8  
9 Your PUBLIC AFFAIRS COMMITTEE, to whom has been  
10 referred  
11

12  
13 SENATE BILL 580

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15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 FINANCE COMMITTEE.

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19 Respectfully submitted,  
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Shannon Robinson, Chairman

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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Feldman, Ingle, Stockard, Smith

Absent: None

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