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HOUSE BILL 220

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

RELATING TO REIMBURSEMENT FOR PER DIEM AND MILEAGE EXPENSES;
INCREASING RATES; PROVIDING FOR THE REIMBURSEMENT OF MEMBERS OF
THE STATE FAIR COMMISSION PURSUANT TO THE PER DIEM AND MILEAGE
ACT.

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)~~]

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1 ninety-five dollars (\$95.00) per diem expenses:

2 (1) for each board or committee meeting
3 attended; or

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

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

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

15 (1) up to [~~sixty-five dollars (\$65.00)~~]
16 eighty-five dollars (\$85.00) per diem expenses for each day
17 spent in the discharge of his official duties for a salaried
18 public officer or employee of a local public body or state
19 agency. If the secretary finds that a per diem allowance of
20 [~~sixty-five dollars (\$65.00)~~ eighty-five dollars (\$85.00) is
21 inadequate for reimbursement of expenses in any municipality of
22 this state, the secretary may authorize the reimbursement of
23 per diem for travel to [~~such~~] the municipality not to exceed
24 [~~seventy-five dollars (\$75.00)~~] one hundred thirty-five dollars
25 (\$135); or

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1 (2) up to [~~sixty-five dollars (\$65.00)~~]
2 eighty-five dollars (\$85.00) per diem expenses for each day
3 spent in the discharge of his official duties for a salaried
4 public officer or employee of a public post-secondary
5 educational institution. If the governing board finds that a
6 per diem allowance of [~~sixty-five dollars (\$65.00)~~] eighty-five
7 dollars (\$85.00) is inadequate for reimbursement of expenses in
8 any municipality of this state, the governing board may
9 authorize the reimbursement of per diem for travel to [~~such~~]
10 the municipality not to exceed [~~seventy-five dollars (\$75.00)~~]
11 one hundred thirty-five dollars (\$135).

12 C. Every public officer or employee shall receive
13 either reimbursement pursuant to the provisions of Subsection K
14 or L of this section or:

15 (1) for public officers or employees of a
16 state agency or local public body, up to [~~seventy-five dollars~~
17 ~~(\$75.00)~~] one hundred fifteen dollars (\$115) per diem expenses
18 for each day of travel outside the state on official business.
19 If the secretary finds that a per diem allowance of [~~seventy-~~
20 ~~five dollars (\$75.00)~~] one hundred fifteen dollars (\$115) is
21 inadequate for out-of-state travel to a geographical area, the
22 secretary may authorize per diem not to exceed [~~ninety-five~~
23 ~~dollars (\$95.00)~~] two hundred fifteen dollars (\$215) for out-
24 of-state travel to [~~such~~] that geographical area; provided that
25 the secretary may authorize per diem for travel to a locality

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1 inside or outside the continental United States for a public
2 officer or employee who is reimbursed solely from federal funds
3 in accordance with the rate allowed by the federal government
4 for travel to that locality. In lieu of per diem, ~~[persons]~~ a
5 person trained in the field of accountancy and performing
6 duties in that field of training as an employee while assigned
7 for periods exceeding three weeks per assignment to travel out
8 of state on official business may receive either reimbursement
9 pursuant to the provisions of Subsection ~~[E]~~ K of this section
10 or actual expenses not to exceed ~~[ninety-five dollars (\$95.00)]~~
11 two hundred fifteen dollars (\$215) per day. Expenses shall be
12 substantiated in accordance with rules promulgated by the
13 department of finance and administration. The secretary may
14 promulgate rules defining what constitutes out-of-state travel
15 for purposes of the Per Diem and Mileage Act; or

16 (2) for public officers or employees of a
17 public post-secondary educational institution, up to ~~[seventy-~~
18 ~~five dollars (\$75.00)]~~ one hundred fifteen dollars (\$115) per
19 diem expenses for each day of travel outside the state on
20 official business. If the governing board finds that a per
21 diem allowance of ~~[seventy-five dollars (\$75.00)]~~ one hundred
22 fifteen dollars (\$115) is inadequate for out-of-state travel to
23 a geographical area, the governing board may authorize per diem
24 not to exceed ~~[ninety-five dollars (\$95.00)]~~ two hundred
25 fifteen dollars (\$215) for out-of-state travel to ~~[such]~~ that

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

10 D. Every public officer or employee shall receive
11 [~~twenty-five cents (\$.25)~~] thirty-two cents (\$.32) a mile for
12 each mile traveled in a privately owned vehicle or [~~forty cents~~
13 ~~(\$.40)~~] eighty-eight cents (\$.88) a mile for each mile traveled
14 in a privately owned airplane if the travel is necessary to the
15 discharge of his official duties and if the private conveyance
16 is not a common carrier; provided, however, that only one
17 person shall receive mileage for each mile traveled in a single
18 privately owned vehicle or airplane except in the case of
19 common carriers, in which case the person shall receive the
20 cost of the ticket in lieu of the mileage allowance.

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

25 F. In addition to the in-state per diem set forth

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

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

16 H. Per diem received by nonsalaried public officers
17 for travel on official business or in the discharge of their
18 official duties, other than attending a board or committee
19 meeting, and per diem received by public officers and employees
20 for travel on official business shall be prorated in accordance
21 with [~~regulations~~] rules of the department of finance and
22 administration or the governing 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 by
4 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, a salaried public officer of a state agency or local
10 public body or a 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 per day] thirty dollars (\$30.00) per day for in-state travel
18 and forty-five dollars (\$45.00) per day for out-of-state
19 travel.

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

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1 subsection and shall receive:

2 (1) reimbursement for actual expenses for
3 lodging; and

4 (2) reimbursement for actual expenses for
5 meals not to exceed [~~twenty-two dollars fifty cents (\$22.50)~~
6 per day] thirty dollars (\$30.00) per day for in-state travel
7 and forty-five dollars (\$45.00) per day for out-of-state
8 travel. "

9 Section 2. Section 16-6-10 NMSA 1978 (being Laws 1961,
10 Chapter 110, Section 1) is amended to read:

11 "16-6-10. FAIR COMMISSION--EXPENSES.--~~Members of the~~
12 ~~state fair commission shall receive no salary, but each member~~
13 ~~shall receive [fifteen dollars (\$15.00) per diem while engaged~~
14 ~~in the performance of his official duties for the commission.--~~
15 ~~Members shall also receive reimbursement for travel expenses at~~
16 ~~the rate of eight cents (\$.08) a mile for attending meetings or~~
17 ~~traveling in connection with their duties]~~ per diem and mileage
18 pursuant to the Per Diem and Mileage Act. "

19 Section 3. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2003.

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