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HOUSE BILL 794

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

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO PUBLIC EMPLOYEES; CLARIFYING THE POSITION OF  
DISTRICT ENGINEERS AS DIVISION DIRECTORS; EXEMPTING THE  
DISTRICT ENGINEER OF EACH STATE HIGHWAY CONSTRUCTION DISTRICT  
FROM THE PERSONNEL ACT.

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

Section 1. Section 67-3-8 NMSA 1978 (being Laws 1967,  
Chapter 226, Section 7, as amended) is amended to read:

"67-3-8. POWERS AND DUTIES OF SECRETARY.--The secretary  
shall:

A. serve as the chief staff officer of the state  
transportation commission and shall be responsible to the  
commission for the operations and management of the work of the  
department;

B. organize the department in such a manner as to

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1 properly conduct the work of the department;

2 C. establish six highway construction districts  
3 with the approval of the state transportation commission. The  
4 secretary shall designate a district engineer in each  
5 construction district to supervise and manage the operations of  
6 the district. The district engineer shall be a professional  
7 engineer. District engineers shall be division directors and  
8 are exempt from the Personnel Act. The authority and  
9 responsibility for the actual construction for all construction  
10 projects within the district shall be delegated to the district  
11 engineer. District engineers shall attend state transportation  
12 commission meetings;

13 D. in accordance with the provisions of the  
14 Personnel Act, employ such assistants and employees as may be  
15 required for the efficient operation of the department, each of  
16 whom shall possess all the qualifications that may be  
17 prescribed for such position; provided that, notwithstanding  
18 the provisions of the Personnel Act, no more than five division  
19 directors shall be covered by and subject to the Personnel Act;

20 E. observe, administer and enforce the provisions  
21 of law now existing or hereafter enacted that pertain to the  
22 state highways, the state transportation commission or the  
23 department; and

24 F. ensure that any behavioral health services,  
25 including mental health and substance abuse services, provided,

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1 contracted for or approved are in compliance with the  
2 requirements of Section 9-7-6.4 NMSA 1978."

3 Section 2. APPLICABILITY.--Notwithstanding the changes in  
4 this act to Section 67-3-8 NMSA 1978, district engineers who  
5 continue to be employed in that position by the department of  
6 transportation on and after July 1, 2009 shall be covered by  
7 the Personnel Act.

8 Section 3. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is July 1, 2009.

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