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HOUSE BILL 30

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO PUBLIC EMPLOYERS; PROHIBITING THE AWARD OF A  
"GOLDEN PARACHUTE" OR OTHER EXTRAORDINARY BENEFIT TO A PUBLIC  
EMPLOYEE WHO RESIGNS OR IS TERMINATED FOR CAUSE.

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

SECTION 1. Section 10-9-21 NMSA 1978 (being Laws 1961,  
Chapter 240, Section 15, as amended) is amended to read:

"10-9-21. PROHIBITED ACTS.--

A. No employer shall dismiss an employee for  
failure or refusal to pay or promise to pay any assessment,  
subscription or contribution to any political organization or  
candidate; however, nothing contained in this section shall  
prevent voluntary contributions to political organizations.

B. No person in the state personnel office or  
employee in the service shall hold political office except for

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1 a nonpartisan county or municipal office or be an officer of a  
2 political organization during [~~his~~] employment. For the  
3 purposes of the Personnel Act, being a local school board  
4 member or an elected board member of any post-secondary  
5 educational institution shall not be construed to be holding  
6 political office and being an election official shall not be  
7 construed to be either holding political office or being an  
8 officer of a political organization. Nothing in the Personnel  
9 Act shall deny employees the right to vote as they choose or to  
10 express their opinions on political subjects and candidates.

11 C. Any employee who becomes a candidate for public  
12 office shall, upon filing or accepting the nomination and  
13 during the campaign, take a leave of absence. This subsection  
14 does not apply to those employees of a grant-in-aid agency  
15 whose political activities are governed by federal statute.

16 D. The director shall investigate any written  
17 charge by any person that this section has been violated and  
18 take whatever steps deemed necessary.

19 E. No person shall be refused the right of taking  
20 an examination, from appointment to a position, from promotion  
21 or from holding a position because of political or religious  
22 opinions or affiliation or because of race or color.

23 F. No employee or probationer shall engage in  
24 partisan political activity while on duty.

25 G. With respect to employees of federal grant-in-

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1 aid agencies, the applicable personnel standards, regulations  
2 and federal laws limiting activities shall apply and shall be  
3 set forth in rules promulgated by the board.

4 H. An employer shall not pay unearned compensation,  
5 severance allowance or other remuneration to an employee who  
6 earns more than two hundred thousand dollars (\$200,000)  
7 annually and who resigns or is terminated, unless such  
8 compensation or remuneration is required by the terms of the  
9 employee's employment agreement in force at least one hundred  
10 eighty days prior to the employee's resignation or  
11 termination."

12 SECTION 2. A new section of Chapter 21, Article 1 NMSA  
13 1978 is enacted to read:

14 "[NEW MATERIAL] EXTRAORDINARY BENEFITS RESTRICTED.--A  
15 state educational institution shall not pay unearned  
16 compensation, severance allowance or other remuneration to an  
17 employee who earns more than two hundred thousand dollars  
18 (\$200,000) annually and who resigns or is terminated, unless  
19 such compensation or remuneration is required by the terms of  
20 the employee's employment agreement in force at least one  
21 hundred eighty days prior to the employee's resignation or  
22 termination. Nothing in this section shall be construed to  
23 prohibit a private individual or entity from paying unearned  
24 compensation, severance allowance or other remuneration to an  
25 employee who resigned or was terminated for any reason."

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1           SECTION 3. A new section of Chapter 22, Article 1 NMSA  
2 1978 is enacted to read:

3           "[NEW MATERIAL] EXTRAORDINARY BENEFITS RESTRICTED.--A  
4 state agency shall not pay unearned compensation, severance  
5 allowance or other remuneration to an employee who earns more  
6 than two hundred thousand dollars (\$200,000) annually and who  
7 resigns or is terminated for cause, unless such compensation or  
8 remuneration is required by the terms of the employee's  
9 employment agreement in force at least one hundred eighty days  
10 prior to the employee's resignation or termination. Nothing in  
11 this section shall be construed to prohibit a private  
12 individual or entity from paying unearned compensation,  
13 severance allowance or other remuneration to an employee who  
14 resigned or was terminated for any reason."

15           SECTION 4. APPLICABILITY.--The provisions of this act  
16 apply to employment agreements entered into, extended or  
17 renewed after July 1, 2012.

18           SECTION 5. EFFECTIVE DATE.--The effective date of the  
19 provisions of this act is July 1, 2012.