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HOUSE BILL 202

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

HENRY KIKI SAAVEDRA

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO THE GOVERNOR; INCREASING THE GOVERNOR'S SALARY;  
PROVIDING FOR THE AUDIT OF CONTINGENT FUNDS.

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

Section 1. Section 8-1-1 NMSA 1978 (being Laws 1971,  
Chapter 260, Section 1, as amended) is amended to read:

"8-1-1. COMPENSATION OF ELECTIVE STATE OFFICERS. --

A. Annual compensation of elective state officers  
shall be paid as follows:

governor . . . . .	\$[ <del>90,000</del> ]	<u>150,000</u>
secretary of state . . . . .		65,000
state auditor . . . . .		65,000
state treasurer . . . . .		65,000
attorney general . . . . .		72,500
commissioner of public lands . . . . .		72,500

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1 state corporation commissioner . . . . . 65,000.

2 B. Any person succeeding to the office of governor  
3 as provided in Article 5, Section 7 of the constitution of New  
4 Mexico shall receive the salary of the office. Every person  
5 serving as acting governor during the incapacity or absence of  
6 the governor from the state, other than the secretary of  
7 state, shall receive one hundred fifty dollars (\$150) as  
8 compensation for each day's service as acting governor.

9 C. All compensation under this section shall be  
10 paid from the general fund, except that the amount paid to the  
11 commissioner of public lands shall be paid from the state  
12 [~~land office~~] lands maintenance fund. "

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

15 "10-8-5. RESTRICTIONS-- [~~REGULATIONS~~] RULES. --

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

23 B. Public funds may be advanced to any public  
24 officer or employee before the travel occurs only with prior  
25 written approval of the secretary, the secretary's designee,

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1 the local public body or the governing board or its designee.  
2 This restriction shall not prohibit the use of authorized  
3 credit cards in connection with purchases necessary to the use  
4 of vehicles owned by the state, a local public body or a  
5 public post-secondary educational institution or for food,  
6 lodging or transportation as permitted by the department of  
7 finance and administration or the governing board. Public  
8 funds shall be paid out [~~under~~] pursuant to the Per Diem and  
9 Mileage Act only upon vouchers duly presented with any  
10 required receipts attached thereto. For employees authorized  
11 to receive public funds in advance of travel, payment shall be  
12 received only upon vouchers submitted with attached  
13 authorization for each travel period. For public officers or  
14 employees using authorized credit cards, vouchers with  
15 required receipts for each month's travel expenses shall be  
16 submitted as a condition to receiving authorization to use the  
17 credit card for the next month's travel. Travel expenses may  
18 also be advanced if the travel is to be performed [~~under~~]  
19 pursuant to provisions of federal or private contracts and the  
20 funds used are not derived from taxes or revenues paid to the  
21 state or any of its political subdivisions.

22 C. Money expended by the governor from the  
23 appropriations made for his office and contingent and other  
24 expenses are [~~not~~] subject to [~~any of~~] the foregoing  
25 provisions of this section and are [~~not~~] subject to audit;

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1 provided that the governor shall only use contingent and other  
2 expenses for purposes connected with obligations of the  
3 office. In addition to the audit, an expenditure report on  
4 the use of the governor's contingent and other expenses shall  
5 be submitted annually to the department of finance and  
6 administration.

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

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1 in a reasonable manner and shall attempt to achieve a standard  
2 rate for all public officers and employees of the same  
3 classification. The secretary may, in extraordinary  
4 circumstances and with the prior approval of the state board  
5 of finance in public meeting, allow actual expenses rather  
6 than the per diem rates set in the Per Diem and Mileage Act.

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

23 F. No reimbursement for out-of-state travel shall  
24 be paid to any elected public officer, including any member of  
25 the legislature, if after the last day to do so that officer

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1 has not filed a declaration of candidacy for reelection to his  
2 currently held office or has been defeated for reelection to  
3 his currently held office in a primary election or any general  
4 election.

5 G. Subsection F of this section does not apply to  
6 any elected public officer who is ineligible to succeed  
7 himself after serving his term in office.

8 H. Subsection F of this section does not apply to  
9 legislators whose travel has been approved by a three-fourths'  
10 vote of the New Mexico legislative council at a regularly  
11 called meeting.

12 I. Any person who is not an employee, appointee or  
13 elected official of a county or municipality and who is  
14 reimbursed [~~under~~] pursuant to the provisions of the Per Diem  
15 and Mileage Act in an amount that singly or in the aggregate  
16 exceeds one thousand five hundred dollars (\$1,500) in any one  
17 year shall not be entitled to further reimbursement [~~under~~]  
18 pursuant to the provisions of that act until the person  
19 furnishes in writing to his department head or, in the case of  
20 a department head or board or commission member, to the  
21 governor or, in the case of a member of the legislature, to  
22 the New Mexico legislative council an itemized statement on  
23 each separate instance of travel covered within the  
24 reimbursement, the place to which traveled and the executive,  
25 judicial or legislative purpose served by the travel. "

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1           Section 3.   EFFECTIVE DATE. --The effective date of the  
2 provisions of this act is January 1, 1999.

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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998  
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6 February 5, 1998  
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8 Mr. Speaker:  
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10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to  
11 whom has been referred  
12

13 HOUSE BILL 202  
14

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

18 Respectfully submitted,  
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22 \_\_\_\_\_  
23 Lynda M. Lovejoy, Chairman  
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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998

3 Page 9

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

5  
6 (Chief Clerk)

(Chief Clerk)

7  
8 Date \_\_\_\_\_

9  
10 The roll call vote was 7 For 0 Against

11 Yes: 7

12 Excused: None

13 Absent: None

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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998

3  
4 February 13, 1998

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
10 whom has been referred

11 HOUSE BILL 202

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13 has had it under consideration and reports same with  
14 recommendation that it DO PASS.

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16 Respectfully submitted,

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21 Max Coll, Chairman  
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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998

3 Page 11

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

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6 (Chief Clerk)

(Chief Clerk)

7  
8 Date \_\_\_\_\_

9  
10 The roll call vote was 13 For 0 Against

11 Yes: 13

12 Excused: Bird, Coll, Marquardt, Vigil, Watchman

13 Absent: None

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

February 16, 1998

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 202

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

Respectfully submitted,

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Shannon Robinson, Chairman

FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

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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: Boitano, Ingle, Smith, Vernon

Absent: None

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