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HOUSE BILL 90

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Luciano "Lucky" Varela

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO REIMBURSEMENT FOR PER DIEM AND MILEAGE EXPENSES;
AMENDING THE PER DIEM AND MILEAGE ACT TO INCREASE RATES.

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~~ a 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)]~~ eighty-two dollars fifty cents (\$82.50) per diem
expenses:

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

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

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

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

14 (1) up to ~~[sixty-five dollars (\$65.00)]~~
15 seventy-two dollars fifty cents (\$72.50) per diem expenses for
16 each day spent in the discharge of his official duties for a
17 salaried public officer or employee of a local public body or
18 state agency. If the secretary finds that a per diem
19 allowance of ~~[sixty-five dollars (\$65.00)]~~ seventy-two dollars
20 fifty cents (\$72.50) is inadequate for reimbursement of
21 expenses in ~~[any]~~ a municipality of this state, the secretary
22 may authorize the reimbursement of per diem for travel to such
23 municipality not to exceed ~~[seventy-five dollars (\$75.00)]~~
24 eighty-two dollars fifty cents (\$82.50); or

25 (2) up to ~~[sixty-five dollars (\$65.00)]~~

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1 seventy-two dollars fifty cents (\$72.50) per diem expenses for
2 each day spent in the discharge of his official duties for a
3 salaried public officer or employee of a public post-secondary
4 educational institution. If the governing board finds that a
5 per diem allowance of [~~sixty-five dollars (\$65.00)~~] seventy-
6 two dollars fifty cents (\$72.50) is inadequate for
7 reimbursement of expenses in [~~any~~] a municipality of this
8 state, the governing board may authorize the reimbursement of
9 per diem for travel to such municipality not to exceed
10 [~~seventy-five dollars (\$75.00)~~] eighty-two dollars fifty cents
11 (\$82.50).

12 C. [~~Every~~] A public officer or employee shall
13 receive either reimbursement pursuant to the provisions of
14 Subsection K 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)~~] eighty-two dollars fifty cents (\$82.50) per diem
18 expenses for each day of travel outside the state on official
19 business. If the secretary finds that a per diem allowance of
20 [~~seventy-five dollars (\$75.00)~~] eighty-two dollars fifty cents
21 (\$82.50) is inadequate for out-of-state travel to a
22 geographical area, the secretary may authorize per diem not to
23 exceed [~~ninety-five dollars (\$95.00)~~] one hundred two dollars
24 fifty cents (\$102.50) for out-of-state travel to such
25 geographical area; provided that the secretary may authorize

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1 per diem for travel to a locality inside or outside the
2 continental United States for a public officer or employee who
3 is reimbursed solely from federal funds in accordance with the
4 rate allowed by the federal government for travel to that
5 locality. In lieu of per diem, persons trained in the field
6 of accountancy and performing duties in that field of training
7 as an employee while assigned for periods exceeding three
8 weeks per assignment to travel out of state on official
9 business may receive either reimbursement pursuant to the
10 provisions of Subsection L of this section or actual expenses
11 not to exceed [~~ninety-five dollars (\$95.00)~~] one hundred two
12 dollars fifty cents (\$102.50) per day. Expenses shall be
13 substantiated in accordance with rules promulgated by the
14 department of finance and administration. The secretary may
15 promulgate rules defining what constitutes out-of-state travel
16 for purposes of the Per Diem and Mileage Act; or

17 (2) for public officers or employees of a
18 public post-secondary educational institution, up to [~~seventy-~~
19 ~~five dollars (\$75.00)~~] eighty-two dollars fifty cents (\$82.50)
20 per diem expenses for each day of travel outside the state on
21 official business. If the governing board finds that a per
22 diem allowance of [~~seventy-five dollars (\$75.00)~~] eighty-two
23 dollars fifty cents (\$82.50) is inadequate for out-of-state
24 travel to a geographical area, the governing board may
25 authorize per diem not to exceed [~~ninety-five dollars~~

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1 ~~(\$95.00)]~~ one hundred two dollars fifty cents (\$102.50) for
2 out-of-state travel to such geographical area; provided that
3 the governing board may authorize per diem for travel to a
4 locality inside or outside the continental United States for a
5 public officer or employee who is reimbursed solely from
6 federal funds in accordance with the rate allowed by the
7 federal government for travel to that locality. Expenses
8 shall be substantiated in accordance with rules promulgated by
9 the governing board. The governing board may promulgate rules
10 defining what constitutes out-of-state travel for purposes of
11 the Per Diem and Mileage Act.

12 D. ~~[Every]~~ A public officer or employee shall
13 receive ~~[twenty-five cents (\$.25)]~~ thirty cents (\$.30) a mile
14 for each mile traveled in a privately owned vehicle or ~~[forty~~
15 ~~cents (\$.40)]~~ forty-five cents (\$.45) a mile for each mile
16 traveled in a privately owned airplane if the travel is
17 necessary to the discharge of his official duties and if the
18 private conveyance is not a common carrier. ~~[Provided,~~
19 ~~however, that]~~ Only one person shall receive mileage for each
20 mile traveled in a single privately owned vehicle or airplane
21 ~~[except in the case of common carriers, in which case the~~
22 ~~person shall]~~. A public officer or employee may receive the
23 cost of the ticket in lieu of the mileage allowance when
24 traveling on a common carrier.

25 E. The per diem and mileage or per diem and cost of

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1 tickets for common carriers paid to salaried public officers
2 or employees is in lieu of actual expenses for transportation,
3 lodging and subsistence.

4 F. In addition to the in-state per diem set forth in
5 this section, the department of finance and administration, by
6 [~~regulation~~] rule, may authorize a flat subsistence rate in
7 the amount set by the legislature in the general
8 [~~appropriations~~] appropriation act for commissioned officers
9 of the New Mexico state police in accordance with rules [~~and~~
10 ~~regulations~~] promulgated by the department of finance and
11 administration.

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

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

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1 finance and administration or the governing board.

2 I. The provisions of Subsection A of this section do
3 not apply to payment of per diem expense to a nonsalaried
4 public official of a municipality for attendance at board or
5 committee meetings held within the boundaries of the
6 municipality.

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

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

17 (1) reimbursement for actual expenses for
18 lodging; and

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

22 L. With prior written approval of the governing
23 board or its designee, a nonsalaried public officer of a
24 public post-secondary educational institution, a salaried
25 public officer of a public post-secondary educational

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1 institution or a salaried employee of a public post-secondary
2 educational institution is entitled to per diem expenses under
3 this subsection and shall receive:

4 (1) reimbursement for actual expenses for
5 lodging; and

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

9 Section 2. EFFECTIVE DATE. -- The effective date of the
10 provisions of this act is July 1, 2001.

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