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HOUSE BILL 96

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

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO REIMBURSEMENT FOR PER DIEM AND MILEAGE EXPENSES;
INCREASING 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 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)~~] one
hundred thirty-six dollars (\$136) per diem expenses:

- (1) for each board or committee meeting

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1 attended; or

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

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

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

13 (1) up to [~~sixty-five dollars (\$65.00)~~] one
14 hundred thirty-six dollars (\$136) per diem expenses for each
15 day spent in the discharge of his official duties for a
16 salaried public officer or employee of a local public body or
17 state agency [~~If the secretary finds that a per diem allowance~~
18 ~~of sixty-five dollars (\$65.00) is inadequate for reimbursement~~
19 ~~of expenses in any municipality of this state, the secretary~~
20 ~~may authorize the reimbursement of per diem for travel to such~~
21 ~~municipality not to exceed seventy-five dollars (\$75.00)]; or~~

22 (2) up to [~~sixty-five dollars (\$65.00)~~] one
23 hundred thirty-six dollars (\$136) per diem expenses for each
24 day spent in the discharge of his official duties for a
25 salaried public officer or employee of a public post-secondary

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1 educational institution. [~~If the governing board finds that a~~
2 ~~per diem allowance of sixty-five dollars (\$65.00) is~~
3 ~~inadequate for reimbursement of expenses in any municipality~~
4 ~~of this state, the governing board may authorize the~~
5 ~~reimbursement of per diem for travel to such municipality not~~
6 ~~to exceed seventy-five dollars (\$75.00).]~~

7 C. Every public officer or employee shall receive
8 either reimbursement pursuant to the provisions of Subsection
9 K or L of this section or:

10 (1) for public officers or employees of a
11 state agency or local public body, up to [~~seventy-five dollars~~
12 ~~(\$75.00)] one hundred fifty-six dollars (\$156) per diem
13 expenses for each day of travel outside the state on official
14 business. If the secretary finds that a per diem allowance of
15 [~~seventy-five dollars (\$75.00)] one hundred fifty-six dollars
16 (\$156) is inadequate for out-of-state travel to a geographical
17 area, the secretary may authorize per diem not to exceed
18 [~~ninety-five dollars (\$95.00)] two hundred dollars (\$200) for
19 out-of-state travel to such geographical area; provided that
20 the secretary may authorize per diem for travel to a locality
21 inside or outside the continental United States for a public
22 officer or employee who is reimbursed solely from federal
23 funds in accordance with the rate allowed by the federal
24 government for travel to that locality. In lieu of per diem,
25 [~~persons~~] a person trained in the field of accountancy and~~~~~~

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1 performing duties in that field of training as an employee
2 while assigned for periods exceeding three weeks per
3 assignment to travel out-of-state on official business may
4 receive either reimbursement pursuant to the provisions of
5 Subsection L of this section or actual expenses not to exceed
6 ~~[ninety-five dollars (\$95.00)]~~ two hundred dollars (\$200) per
7 day. Expenses shall be substantiated in accordance with rules
8 promulgated by the department of finance and administration.
9 The secretary may promulgate rules defining what constitutes
10 out-of-state travel for purposes of the Per Diem and Mileage
11 Act; or

12 (2) for public officers or employees of a
13 public post-secondary educational institution, up to ~~[seventy-~~
14 ~~five dollars (\$75.00)]~~ one hundred fifty-six dollars (\$156)
15 per diem expenses for each day of travel outside the state on
16 official business. If the governing board finds that a per
17 diem allowance of ~~[seventy-five dollars (\$75.00)]~~ one hundred
18 fifty-six dollars (\$156) is inadequate for out-of-state travel
19 to a geographical area, the governing board may authorize per
20 diem not to exceed ~~[ninety-five dollars (\$95.00)]~~ two hundred
21 dollars (\$200) for out-of-state travel to such geographical
22 area; provided that the governing board may authorize per diem
23 for travel to a locality inside or outside the continental
24 United States for a public officer or employee who is
25 reimbursed solely from federal funds in accordance with the

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1 rate allowed by the federal government for travel to that
2 locality. Expenses shall be substantiated in accordance with
3 rules promulgated by the governing board. The governing board
4 may promulgate rules defining what constitutes out-of-state
5 travel for purposes of the Per Diem and Mileage Act.

6 D. Every public officer or employee shall receive
7 [~~twenty five cents (\$.25)~~] forty cents (\$.40) a mile for each
8 mile traveled in a privately owned vehicle or [~~forty cents~~
9 ~~(\$.40)~~] fifty cents (\$.50) a mile for each mile traveled in a
10 privately owned airplane if the travel is necessary to the
11 discharge of his official duties and if the private conveyance
12 is not a common carrier. Provided, however, that only one
13 person shall receive mileage for each mile traveled in a
14 single privately owned vehicle or airplane except in the case
15 of common carriers, in which case the person shall receive the
16 cost of the ticket in lieu of the mileage allowance.

17 E. The per diem and mileage or per diem and cost
18 of tickets for common carriers paid to salaried public
19 officers or employees is in lieu of actual expenses for
20 transportation, lodging and subsistence.

21 F. In addition to the in-state per diem set forth
22 in this section, the department of finance and administration,
23 by [~~regulation~~] rule, may authorize a flat subsistence rate in
24 the amount set by the legislature in the general
25 [~~appropriations~~] appropriation act for commissioned officers

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1 of the New Mexico state police in accordance with rules [~~and~~
2 ~~regulations~~] promulgated by the department of finance and
3 administration.

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

12 H. Per diem received by nonsalaried public
13 officers for travel on official business or in the discharge
14 of their official duties, other than attending a board or
15 committee meeting, and per diem received by public officers
16 and employees for travel on official business shall be
17 prorated in accordance with [~~regulations~~] rules of the
18 department of finance and administration or the governing
19 board.

20 I. The provisions of Subsection A of this section
21 do not apply to payment of per diem expense to a nonsalaried
22 public official of a municipality for attendance at board or
23 committee meetings held within the boundaries of the
24 municipality.

25 J. In addition to any other penalties prescribed

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1 by law for false swearing on an official voucher, it shall be
2 cause for removal or dismissal from office.

3 K. With prior written approval of the secretary or
4 the secretary's designee or the local public body, a
5 nonsalaried public officer of a state agency or local public
6 body, salaried public officer of a state agency or local
7 public body or salaried employee of a state agency or local
8 public body is entitled to per diem expenses under this
9 subsection and shall receive:

10 (1) reimbursement for actual expenses for
11 lodging; and

12 (2) reimbursement for actual expenses for
13 meals not to exceed [~~twenty-two dollars fifty cents (\$22.50)~~]
14 forty dollars (\$40.00) per day for in-state travel and fifty-
15 five dollars (\$55.00) per day for out-of-state travel.

16 L. With prior written approval of the governing
17 board or its designee, a nonsalaried public officer of a
18 public post-secondary educational institution, a salaried
19 public officer of a public post-secondary educational
20 institution or a salaried employee of a public post-secondary
21 educational institution is entitled to per diem expenses under
22 this subsection and shall receive:

23 (1) reimbursement for actual expenses for
24 lodging; and

25 (2) reimbursement for actual expenses for

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1 meals not to exceed [~~twenty-two dollars fifty cents (\$22.50)~~]
2 forty dollars (\$40.00) per day for in-state travel and
3 fifty-five dollars (\$55.00) per day for out-of-state travel."

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

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