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HOUSE BILL 44

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Nate Gentry

AN ACT

RELATING TO LEGISLATIVE PER DIEM AND MILEAGE; PROHIBITING REIMBURSEMENT TO LEGISLATORS FOR MILEAGE AND COSTS REIMBURSED BY ANOTHER ENTITY.

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

**SECTION 1.** Section 2-1-9 NMSA 1978 (being Laws 1971, Chapter 1, Section 11, as amended) is amended to read:

"2-1-9. OUT-OF-STATE TRAVEL--IN-STATE TRAVEL.--

A. Out-of-state travel of members, officers and employees of the legislative branch of government shall be exempt from approval by any member of the executive branch.

B. Members of the legislature serving on official business for interim committees within the state shall receive:

(1) per diem at the internal revenue service per diem rate as provided in Section 2-1-8 NMSA 1978 for each .190888.2

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1 day served, including travel time, and the cost of public  
2 transportation by the [~~shortest, most direct~~] usual traveled  
3 route or mileage for each mile traveled by the [~~shortest, most~~  
4 ~~direct~~] usual traveled route by automobiles at the internal  
5 revenue service standard mileage rate or by privately owned  
6 aircraft at the air mileage rate set out by the rules adopted  
7 by the department of finance and administration pursuant to the  
8 Per Diem and Mileage Act; and

9 (2) per diem for one additional day at the  
10 internal revenue service per diem rate as provided in Section  
11 2-1-8 NMSA 1978 if, in order to serve on official business for  
12 an interim committee, a legislator travels to a location that  
13 is one hundred or more miles from the location of the  
14 legislator's point of departure; provided that, pursuant to  
15 policies adopted by the New Mexico legislative council, per  
16 diem under this paragraph shall be paid only if the legislator  
17 is not entitled to per diem for travel time as provided in  
18 Paragraph (1) of this subsection.

19 C. Reimbursement for out-of-state travel on  
20 committee business shall be as follows:

21 (1) the cost of the tickets on public  
22 transportation by the [~~shortest, most direct~~] usual traveled  
23 route and the cost of airport parking; or

24 (2) mileage at the same rates established for  
25 in-state travel if automobiles or private airplanes are used,

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1 based on official mileage by the [~~shortest, most direct~~] usual  
2 traveled route; and

3 (3) per diem for the number of days spent in  
4 travel and on committee business at the in-state rate provided  
5 for in Section 2-1-8 NMSA 1978; and

6 (4) in no event, however, shall the  
7 reimbursement for out-of-state travel exceed the dollar  
8 amount that would be due if the member had used first class  
9 public air transportation by the [~~shortest, most direct~~]  
10 usual traveled route.

11 D. A legislator shall not be reimbursed for  
12 travel, parking or other actual costs that are or will be  
13 reimbursed by any other entity. In the event a legislator's  
14 travel, parking or other actual costs are partially  
15 reimbursed by another entity, the legislator may be  
16 reimbursed for the difference."