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SENATE BILL 439

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

INTRODUCED BY

John M. Sapien

AN ACT

RELATING TO PUBLIC EMPLOYMENT; EXEMPTING STATE INVESTMENT
COUNCIL EMPLOYEES FROM COVERAGE UNDER THE PERSONNEL ACT;
CREATING THE INVESTMENT OFFICE PERSONNEL COMMITTEE.

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

SECTION 1. A new section of Chapter 6, Article 8 NMSA
1978 is enacted to read:

"[NEW MATERIAL] INVESTMENT OFFICE PERSONNEL COMMITTEE--
CREATED--POWERS--DUTIES.--

A. The "investment office personnel committee" is
created. The investment office personnel committee consists of
three voting members as follows:

(1) the vice chair of the council;

(2) a member appointed by the council from
the council members who were appointed by the governor; and

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1 (3) a member appointed by the council from
2 the council members who were appointed by the New Mexico
3 legislative council.

4 B. The investment office personnel committee shall
5 advise the state investment officer regarding all personnel-
6 related matters, including ensuring reasonable and competitive
7 compensation allowing the investment office to recruit and
8 retain highly qualified individuals necessary for the council
9 to fulfill the council's fiduciary duties to grow and protect
10 the permanent funds.

11 C. Members of the committee shall be appointed for
12 three-year terms; provided that the terms of the initial
13 committee members shall be staggered so that the term of one
14 member expires each year. Members shall serve until their
15 successors are appointed. A vacancy occurring other than by
16 expiration of term shall be filled in the same manner as the
17 original appointment, but only for the unexpired term.

18 D. Members of the committee shall receive per diem
19 and mileage as provided for nonsalaried public officers in the
20 Per Diem and Mileage Act and shall receive no other
21 compensation, perquisite or allowance.

22 E. The committee shall elect annually a chair from
23 among its members and may elect other officers as necessary.
24 The committee shall meet no less than quarterly or upon the
25 call of the chair or the state investment officer.

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1 F. Members of the committee are public employees
2 within the meaning of the Tort Claims Act and are entitled to
3 all immunity and indemnification provided under that act.

4 G. The investment office personnel committee may
5 adopt rules and procedures regarding state investment office
6 personnel matters."

7 SECTION 2. Section 10-9-4 NMSA 1978 (being Laws 1961,
8 Chapter 240, Section 4, as amended) is amended to read:

9 "10-9-4. COVERAGE OF SERVICE.--The Personnel Act and the
10 service cover all state positions except:

11 A. officials elected by popular vote or appointed
12 to fill vacancies to elective offices;

13 B. members of boards and commissions and heads of
14 agencies appointed by the governor;

15 C. heads of agencies appointed by boards or
16 commissions;

17 D. directors of department divisions;

18 E. those in educational institutions and in public
19 schools;

20 F. those employed by state institutions and by
21 state agencies providing educational programs and who are
22 required to hold valid certificates as certified school
23 instructors as defined in Section 22-1-2 NMSA 1978 issued by
24 the [~~state board of~~] public education department;

25 G. those in the governor's office;

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1 H. those in the state militia or the commissioned
2 officers of the New Mexico state police division of the
3 department of public safety;

4 I. those in the judicial branch of government;

5 J. those in the legislative branch of government;

6 K. those employed by the state investment council;

7 ~~[K.]~~ L. not more than two assistants and one
8 secretary in the office of each official listed in Subsections
9 A, B and C of this section, excluding members of boards and
10 commissions in Subsection B of this section;

11 ~~[L.]~~ M. those of a professional or scientific
12 nature ~~[which]~~ that are temporary in nature;

13 ~~[M.]~~ N. those filled by patients or inmates in
14 charitable, penal or correctional institutions;

15 ~~[N.]~~ O. state employees if the personnel board in
16 its discretion decides that the position is one of
17 policymaking; and

18 ~~[O.]~~ P. disadvantaged youth under twenty-two years
19 of age regularly enrolled or to be enrolled in a secondary
20 educational institution approved by the ~~[state board of]~~ public
21 education department or in an accredited state institution of
22 advanced learning or vocational training and who are to be
23 employed for not more than seven hundred twenty hours during
24 any calendar year:

25 (1) the term "disadvantaged youth" shall be

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1 defined for purposes of this exemption by regulation duly
2 promulgated by the board; and

3 (2) the board shall:

4 (a) require that all the criteria of
5 this subsection have been met;

6 (b) establish employment lists for the
7 certification of the highest-standing candidates to the
8 prospective employers; and

9 (c) establish the pay rates for such
10 employees."

11 SECTION 3. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2013.