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SENATE BILL 235

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO STATE PERSONNEL; PROVIDING THAT THE STATE PERSONNEL OFFICE RENDER HUMAN RESOURCES SERVICES TO AGENCIES, BOARDS AND COMMISSIONS UNDER THE CONTROL OF THE GOVERNOR; TRANSFERRING ALL HUMAN RESOURCES FUNCTIONS IN THOSE AGENCIES TO THE STATE PERSONNEL OFFICE; CREATING THE HUMAN RESOURCES SERVICE RATE COMMITTEE; CREATING A FUND.

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

SECTION 1. A new section of the Personnel Act is enacted to read:

"[NEW MATERIAL] HUMAN RESOURCES SERVICE PROVISION--FEES-- FUND.--

A. The state personnel office shall:

(1) render human resources services to the agencies, boards and commissions that are under the control of

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1 the governor and that require those services;

2 (2) charge a human resources service fee to
3 each of those agencies, boards and commissions for the
4 rendering of those services in accordance with the rate
5 schedule approved by the human resources service rate
6 committee, except that the office may adjust the schedule to
7 reflect a reduction in the amount needed by the office to
8 recover its costs for providing those services; and

9 (3) if the office adjusts the rate schedule as
10 allowed by Paragraph (2) of this subsection, timely notify the
11 committee of that adjustment.

12 B. Income from human resources service fees
13 collected shall be deposited to the credit of the human
14 resources service fund.

15 C. The "human resources service fund" is created as
16 a nonreverting fund in the state treasury. The fund consists
17 of appropriations, human resources service fees collected by
18 the state personnel office and gifts, grants and donations to
19 the fund. The fund shall be administered by the office, and
20 money in the fund is subject to appropriation by the
21 legislature to offset the costs to the office of its rendering
22 of human resources services to other state agencies."

23 SECTION 2. A new section of the Personnel Act is enacted
24 to read:

25 "[NEW MATERIAL] HUMAN RESOURCES SERVICE RATE COMMITTEE.--

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1 A. The "human resources service rate committee" is
2 created and is administratively attached to the general
3 services department. The committee consists of:

4 (1) five members appointed by the governor,
5 each of whom is employed by an agency, board or commission that
6 uses human resources services rendered by the state personnel
7 office;

8 (2) the secretary of finance and
9 administration, who shall serve as chair of the committee; and

10 (3) the director.

11 B. The director shall:

12 (1) annually, propose to the human resources
13 service rate committee a rate schedule for the rendering of
14 human resources services by the state personnel office; and

15 (2) by June 1 of each year, submit the rate
16 schedule approved by the committee to the governor and the
17 legislative finance committee.

18 C. Annually, the human resources service rate
19 committee shall:

20 (1) review the human resources service rate
21 schedule proposed by the director; and

22 (2) approve a human resources service rate
23 schedule that:

24 (a) complies with the federal office of
25 management and budget circular A-87 or its successor directive;

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1 and

2 (b) is equitable and based on cost
3 recovery for the rendering of human resources services by the
4 state personnel office."

5 SECTION 3. Section 10-9-2 NMSA 1978 (being Laws 1961,
6 Chapter 240, Section 2, as amended) is amended to read:

7 "10-9-2. PURPOSE OF ACT--ENACTMENT UNDER CONSTITUTION.--

8 A. The purpose of the Personnel Act is to:

9 (1) establish for New Mexico a system of
10 personnel administration based solely on qualification and
11 ability, which will provide greater economy and efficiency in
12 the management of state affairs; and

13 (2) allow for the consolidated rendering of
14 human resources services to state agencies.

15 B. The Personnel Act is enacted under and pursuant
16 to the provisions of Article 7, Section 2 of the constitution
17 of New Mexico, as amended."

18 SECTION 4. Section 10-9-12 NMSA 1978 (being Laws 1961,
19 Chapter 240, Section 8, as amended) is amended to read:

20 "10-9-12. DIRECTOR DUTIES.--The director shall:

21 A. supervise all administrative and technical
22 personnel activities of the state in an executive office known
23 as the "state personnel office";

24 B. act as secretary to the board;

25 C. establish, maintain and publish annually a

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1 roster of all employees of the state showing for each employee
2 [~~his~~] the employee's division, title, pay rate and other
3 pertinent data;

4 D. make annual reports to the board;

5 E. recommend to the board rules [~~he~~] the director
6 considers necessary or desirable to effectuate the Personnel
7 Act; [~~and~~]

8 F. supervise all tests and prepare lists of persons
9 passing them to submit to prospective employers; and

10 G. administer the rendering of human resources
11 services to agencies, boards and commissions in accordance with
12 Section 1 of this 2018 act, including by proposing a schedule
13 of rates for those services in accordance with Subsection B of
14 Section 2 of this 2018 act."

15 SECTION 5. TEMPORARY PROVISION--TRANSFER OF AGENCY
16 FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY, PROPERTY,
17 CONTRACTS AND REFERENCES IN LAW--DIRECTOR CERTIFICATION.--

18 A. By November 1, 2018, all functions, personnel,
19 appropriations, money, records, equipment, supplies, other
20 property and contractual obligations related to human resources
21 services in agencies, boards and commissions under the control
22 of the governor are transferred to the state personnel office.
23 Transferred contractual obligations are binding on the state
24 personnel office. References in law, if any, to human
25 resources services of those agencies, boards and commissions

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1 shall be deemed references to the human resources services
2 rendered by the state personnel office.

3 B. The consolidation of human resources services in
4 the state personnel office shall be effected as quickly as
5 practicable and in the way least disruptive to the agencies,
6 boards and commissions affected by the consolidation.

7 C. The office of the governor, the state personnel
8 office and the state budget division of the department of
9 finance and administration shall assist in the identification
10 of functions, personnel, appropriations, money, records,
11 equipment, supplies, other property and contractual obligations
12 for transfer to the state personnel office.

13 D. When appropriate, the director of the state
14 personnel office shall certify to the personnel board, the
15 governor and the legislative finance committee that the
16 transfers provided for in this section are sufficient to
17 continue the same level of human resources services to the
18 agencies, boards and commissions affected by the consolidation
19 of human resources services.

20 SECTION 6. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2018.

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