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HOUSE BILL

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

FOR THE GOVERNMENT RESTRUCTURING TASK FORCE

AN ACT

RELATING TO STATE PERSONNEL; ELIMINATING THE PERSONNEL BOARD'S
AUTHORITY TO EXEMPT POSITIONS FROM THE COVERED SERVICE;
CLARIFYING AND LIMITING EXEMPT ASSISTANTS.

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

SECTION 1. Section 10-9-4 NMSA 1978 (being Laws 1961,
Chapter 240, Section 4, as amended) is amended to read:

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

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

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

C. heads of agencies appointed by boards or
commissions;

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underscoring material = new
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- 1 D. directors of department divisions;
- 2 E. those in educational institutions and in public
3 schools;
- 4 F. those employed by state institutions and by
5 state agencies providing educational programs and who are
6 required to hold valid certificates as certified school
7 instructors as defined in Section 22-1-2 NMSA 1978 issued by
8 the ~~[state board of]~~ public education department;
- 9 G. those in the governor's office;
- 10 H. those in the state militia or the commissioned
11 officers of the New Mexico state police division of the
12 department of public safety;
- 13 I. those in the judicial branch of government;
- 14 J. those in the legislative branch of government;
- 15 K. not more than two administrative assistants and
16 one secretary in the office of each official listed in
17 Subsections A, B and C of this section, excluding members of
18 boards and commissions in Subsection B of this section;
- 19 L. not more than two assistant or deputy
20 secretaries in a cabinet department;
- 21 ~~[E.]~~ M. those of a professional or scientific
22 nature ~~[which]~~ that are temporary in nature;
- 23 ~~[M.]~~ N. those filled by patients or inmates in
24 charitable, penal or correctional institutions; and
- 25 ~~[N. state employees if the personnel board in its~~

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underscored material = new
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1 ~~discretion decides that the position is one of policymaking;~~
2 ~~and]~~

3 0. disadvantaged youth under twenty-two years of
4 age regularly enrolled or to be enrolled in a secondary
5 educational institution approved by the [~~state board of~~] public
6 education department or in an accredited state institution of
7 advanced learning or vocational training and who are to be
8 employed for not more than seven hundred twenty hours during
9 any calendar year:

10 (1) the term "disadvantaged youth" shall be
11 defined for purposes of this exemption by regulation duly
12 promulgated by the board; and

13 (2) the board shall:

14 (a) require that all the criteria of
15 this subsection have been met;

16 (b) establish employment lists for the
17 certification of the highest-standing candidates to the
18 prospective employers; and

19 (c) establish the pay rates for such
20 employees."