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HOUSE BILL 26

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

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

**RELATING TO GOVERNMENT ACCOUNTABILITY; CREATING THE STATE
COMPTROLLER AND OFFICE; PROVIDING POWERS AND DUTIES; MAKING AN
APPROPRIATION.**

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

**Section 1. STATE COMPTROLLER-- OFFICE-- CREATED--
PERSONNEL. --**

**A. The "office of the state comptroller" is
created as an adjunct agency as provided in the Executive
Reorganization Act. The office shall be headed by the "state
comptroller", who shall be appointed by the governor and
confirmed by the senate.**

**B. The state comptroller shall be a certified
public accountant with audit and government experience. He
shall be appointed without regard to party affiliation and**

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1 solely on the basis of ability to perform the duties of his
2 office. The state comptroller shall serve for six years, and
3 may be reappointed for succeeding six-year terms. He shall be
4 removed only for cause.

5 C. The state comptroller may employ such
6 professional and clerical assistants as he deems necessary.
7 All employees shall be employed without regard to party
8 affiliation and solely on the basis of their abilities to
9 perform the duties of the office. The office shall perform
10 its duties in a nonpartisan manner. The Personnel Act applies
11 to employees of the office of state comptroller except those
12 employees exempt under the provisions of Section 10-9-4 NMSA
13 1978.

14 Section 2. STATE COMPTROLLER--DUTIES.--The state
15 comptroller shall:

16 A. oversee the executive branch's implementation
17 of the Accountability in Government Act;

18 B. oversee the statutory oversight duties of the
19 state budget division, financial control division, local
20 government division and the contract review bureau of the
21 administrative services division of the department of finance
22 and administration; the state personnel office; the state
23 department of public education; and the commission on higher
24 education to ensure that statutory requirements are being met
25 and statutory duties are being performed;

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1 C. receive periodic reports from state agency
2 inspectors general and internal auditors;

3 D. work closely with the state auditor's office on
4 external and special audits of state agencies;

5 E. as requested by legislative interim committees,
6 gather state agency information and analyze and validate the
7 information; provided, however, that the duty of the state
8 comptroller shall not affect the duty of a state agency to
9 provide information in a timely manner upon request of an
10 interim committee;

11 F. perform such other duties as may be assigned to
12 him by the governor or the legislature or requested by a state
13 agency; and

14 G. work closely with state agencies to resolve
15 audit findings and review performance measures.

16 Section 3. INSPECTOR GENERAL AND INTERNAL AUDITOR
17 REPORTS--AUDITS AND INVESTIGATIONS.--Inspectors general and
18 internal auditors of state agencies shall report to the state
19 comptroller periodically and as requested. The state
20 comptroller may request special audits or investigations by
21 inspectors general, internal auditors, the state auditor, the
22 attorney general's office or the state police or may contract
23 for special audits or investigations.

24 Section 4. APPROPRIATION.--Seven hundred fifty thousand
25 dollars (\$750,000) is appropriated from the general fund to

. 133840. 1

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1 the office of the state comptroller for expenditure in fiscal
2 year 2002 to carry out the duties of the state comptroller,
3 including hiring staff and setting up an office. Any
4 unexpended or unencumbered balance remaining at the end of
5 fiscal year 2002 shall revert to the general fund.

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