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SENATE BILL 458

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Howie C. Morales

AN ACT

MAKING AN APPROPRIATION TO PROVIDE FOR A THREE PERCENT SALARY INCREASE FOR STATE EMPLOYEES, INCLUDING COMMISSIONED POLICE OFFICERS OF THE STATE POLICE, MOTOR TRANSPORTATION OFFICERS, FACULTY AND STAFF OF THE STATE'S FOUR- AND TWO-YEAR PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS AND ALL PUBLIC SCHOOL TEACHERS, INSTRUCTIONAL STAFF AND LICENSED AND UNLICENSED STAFF, INCLUDING TRANSPORTATION EMPLOYEES.

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

**SECTION 1. APPROPRIATION.--**

A. Twenty-four million one hundred seventy-seven thousand nine hundred dollars (\$24,177,900) is appropriated from the general fund to the department of finance and administration for expenditure in fiscal year 2018 to provide salary increases to employees in budgeted positions who have

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1 completed their probationary period subject to satisfactory job  
2 performance. The salary increases shall be effective the first  
3 full pay period after July 1, 2017 and shall be distributed as  
4 follows:

5 (1) three hundred forty-eight thousand three  
6 hundred dollars (\$348,300) to provide permanent legislative  
7 employees, including permanent employees of the legislative  
8 council service, legislative finance committee, legislative  
9 education study committee, legislative building services, the  
10 house and senate, house and senate chief clerks' offices and  
11 house and senate leadership, with an average salary increase of  
12 three percent;

13 (2) three million six hundred thousand nine  
14 hundred dollars (\$3,600,900) to provide child support hearing  
15 officers, special commissioners, all judicial permanent  
16 employees and all district attorney permanent employees, other  
17 than elected district attorneys and employees whose salaries  
18 are set by statute, with an average salary increase of three  
19 percent;

20 (3) fifteen million four hundred seventy-one  
21 thousand sixty dollars (\$15,471,060) to provide incumbents in  
22 agencies governed by the Personnel Act with an average salary  
23 increase of three percent as follows:

24 (a) seven million nine hundred thirty-  
25 eight thousand five hundred forty-six dollars (\$7,938,546) for

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1 classified employees not covered by a collective bargaining  
2 agreement;

3 (b) seven million one hundred ninety-  
4 four thousand sixty-six dollars (\$7,194,066) for classified  
5 employees covered by a collective bargaining agreement in  
6 effect on July 1, 2017; and

7 (c) three hundred thirty-eight thousand  
8 four hundred forty-eight dollars (\$338,448) for adjustments to  
9 appropriations in this paragraph as necessary;

10 (4) two million one hundred twenty-three  
11 thousand six hundred forty dollars (\$2,123,640) for executive  
12 exempt employees, including attorney general employees and  
13 workers' compensation judges, to provide an average salary  
14 increase of three percent; and

15 (5) two million six hundred thirty-four  
16 thousand dollars (\$2,634,000), of which two million two hundred  
17 eighty-nine thousand dollars (\$2,289,000) is for commissioned  
18 police officers of the state police division to provide an  
19 average salary increase of three percent in accordance with the  
20 New Mexico state police career pay system and three hundred  
21 forty-five thousand dollars (\$345,000) for commissioned  
22 officers in the motor transportation division governed by the  
23 Personnel Act to provide an average salary increase of three  
24 percent.

25 B. Seventeen million five hundred thirty-four

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1 thousand four hundred dollars (\$17,534,400) is appropriated  
2 from the general fund to the higher education department for  
3 expenditure in fiscal year 2018 to provide faculty and staff of  
4 four- and two-year public post-secondary educational  
5 institutions with an average annual salary increase of three  
6 percent, effective the first full pay period after July 1,  
7 2017.

8 C. The department of finance and administration  
9 shall distribute a sufficient amount to each agency to provide  
10 the appropriate increase for those employees whose salaries are  
11 received as a result of the general fund appropriations in the  
12 General Appropriation Act of 2017. Any unexpended or  
13 unencumbered balance remaining at the end of fiscal year 2018  
14 shall revert to the general fund.

15 D. For those state employees whose salaries are  
16 referenced in or received as a result of nongeneral fund  
17 appropriations in the General Appropriation Act of 2017, the  
18 department of finance and administration shall transfer from  
19 the appropriate fund to the appropriate agency the amount  
20 required for the salary increases equivalent to those provided  
21 for in this section, and such amounts are appropriated for  
22 expenditure in fiscal year 2018. Any unexpended or  
23 unencumbered balance remaining at the end of fiscal year 2018  
24 shall revert to the appropriate fund.

25 E. Fifty-three million one hundred fifty-one

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1 thousand nine hundred dollars (\$53,151,900) is appropriated  
2 from the general fund to the public school fund state  
3 equalization guarantee distribution and one million three  
4 hundred twenty-eight thousand four hundred dollars (\$1,328,400)  
5 is appropriated from the general fund to the public school fund  
6 transportation distribution to provide an average three percent  
7 salary increase for all teachers, other instructional staff and  
8 other licensed and unlicensed staff, including transportation  
9 employees, and the compensation shall be effective the first  
10 full pay period after July 1, 2017. This amount does not  
11 include and is in addition to salary increases due to licensure  
12 advancement pursuant to the School Personnel Act. Prior to the  
13 approval of the school district or charter school's budget, the  
14 secretary of public education shall verify that each school  
15 district or charter school is providing an average three  
16 percent salary increase for all teachers and other licensed  
17 school employees and an average three percent salary increase  
18 for all unlicensed school employees.

19 **SECTION 2. SEVERABILITY.**--If any part or application of  
20 this act is held invalid, the remainder or its application to  
21 other situations or persons shall not be affected.