20162447 07/26/2016 10:47:32 AM
Page: 1 of 13 Fee: 0 RES
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

Roosevelt County
Established 1903

RESOLUTION NUMBER: 2016-38

Approving the

ROOSEVELT COUNTY POLICY

Travel and Per Diem

Supersedes prior Resolution No. 2015-20 with regards to the Travel and Per Diem Section

WHEREAS, the Roosevelt County Board of Commissioners finds it necessary to address appropriate travel and per diem procedures conducted in a manner above reproach, with complete impartiality and without preferential treatment; and,

WHEREAS, the Roosevelt County Board of Commissioners recognizes that a Travel and Per Diem Policy for the Roosevelt County Government is for all County elected officials and employees to follow in all travel activities; and,

WHEREAS, The Roosevelt County Board of Commissioners desires to implement a policy that details those procedures of travel and per diem to which each elected official and employee is expected to adhere.

NOW, THEREFORE, BE IT RESOLVED, by the Roosevelt County Board of Commissioners that the following Travel and Per Diem Policy:

Per Diem, Mileage and Other Travel Regulations

A. **All Travel for Roosevelt County.** All travel for official County business shall be approved by the Elected Official or Department Head prior to commencement and shall be documented on the Travel Request and Voucher Form.
B. **P-card Utilization.** If an employee travels, a Roosevelt County Purchase Card should be issued to book hotels and for meals.
C. **Standard Per Diem Rates.** In the event a P-card is unavailable, all Roosevelt County elected officials and employees may receive per diem for travel reimbursement that shall be paid pursuant to New Mexico State Statues Section 10-8-4 and New Mexico Administrative Code 2.42.2. The manager may authorize up to one hundred fifteen dollars ($115) per diem expenses for each day of travel outside the state on official business. If the Manager finds that a per diem allowance of one hundred fifteen dollars ($115) is inadequate for out-of-state travel to a geographical area, the Manager may authorize per diem not to exceed two hundred fifteen dollars ($215) for out-of-state travel to that geographical area; provided that the Manager may authorize per diem for travel to a locality inside or outside the continental United States for an elected official or employee.
D. **Actual Expenses in Lieu of Standard Per Diem Rates.** Actual expenses paid by an elected official or employee that are greater overall than the standard per diem rate may be reimbursed provided the following conditions are met:
    1. Documentation of paid receipts is required for all expenses and shall only be paid if incurred in the discharge of authorized County business.

2. Payment will not exceed thirty ($30) dollars a day for meals and eighty nine ($85) dollars for hotel in state and one hundred fifteen ($115) for hotel out of state and shall be consistent with NM State Statute (10-8-4 NMSA).
3. If the County Manager finds that a per diem allowance of eighty-five dollars ($85.00) is inadequate for reimbursement of expenses in any municipality of this state, the Manager may authorize the reimbursement of per diem for travel to the municipality not to exceed one hundred thirty-five dollars ($135).

E. Standard Actual Expense Reimbursed. Reimbursement will be made for standard actual expenses, other than per diem expenses, such as for taxi, airline or other transportation fares, parking fees, car rental, registration fees (not including lodging or meals), or the like provided such expenses are the most economically practical and are directly incurred in the discharge of authorized official County business as outlined in New Mexico Administrative Code 2.42.2.12. Receipts are required for reimbursement.

F. Mileage - Private Conveyance - Reimbursement.
Elected officials and employees of Roosevelt County shall be reimbursed for travel by private conveyance in the discharge of official duties as follows:

1. Private-owned vehicle at a rate of 80% of the internal revenue service standard mileage rate set Jan. 1 of the previous year.
2. Mileage shall be reimbursed based strictly on distances shown on official Rand McNally road maps.

G. Limitations to Travel Reimbursements. Any person who is reimbursed in an amount that singly or in the aggregate exceeds one thousand five hundred dollars ($1500) in any one fiscal year shall not be entitled to further reimbursement until such person furnishes in writing to the County Commission an itemized statement on each separate instance of travel covered within such reimbursement, the place to which traveled and the purpose served by such travel as per 10-8-5.I NMSA and New Mexico Administrative Code 2.42.2.

H. Overnight Travel Actual-Cost Reimbursement. Paid for travel which requires an overnight stay and is outside a 35-mile radius from the traveler's post of duty, and more than 35 miles of your place of residence; time calculation begins at the time the employee departs home or office to travel and ends upon their return.

1. Actual costs, lodging is reimbursable at the rate for a single-occupancy room (including tax) upon submission of the receipt with a Travel Request and Voucher Form;
2. Actual costs, meals are reimbursable for the traveler's meals (excluding alcoholic beverages) within a 24-hour period up to the maximum allowed by the state upon submission of the receipt(s) with a Travel Request and Voucher Form;
3. Actual costs, other for taxis, local transportation, gratuities (capped at 18%), parking fees, etc. are reimbursed upon submission of the receipts with a Travel Request and Voucher Form;
4. Loss of receipts in the event that the original receipts are lost, and the cost incurred creates a hardship, an Affidavit of Lost Receipts Form and a Travel Request and Voucher Form signed by the traveler may be substituted, and is subject to approval by the Department Head or Elected Official and the County Manager.

I. Restrictions. Elected officials and employees are not entitled to any meal expenses for any travel less than 11 hours in duration.
Elected officials and employees will be limited to per diem amount set by New Mexico Administrative Code 2.42.2.8.(3) on the day of return after overnight travel.

J. **Travel Vouchers and Procedures for Administration.** Every request for travel reimbursement or travel advances of per diem, mileage, or other expenses authorized by provisions of this Policy shall be submitted on the Travel Request and Voucher Form and shall be consistent with this Policy, State law, and the rules and regulations of the NM Department of Finance and Administration.

It shall be the responsibility of County Administration to properly administer this section of the Policy consistent with its provisions and consistent with its provisions and consistent with State laws and regulation.

Compliance with D.F.A. Rule. Any provision which is not addressed specifically in this Policy shall be in accordance with the most recent New Mexico Administrative Code and New Mexico State Statutes relating to reimbursement of elected officials and employees for travel expenses and attending meetings.

PASSED, ADOPTED AND APPROVED this 26th day of July, 2016.

BODY OF COUNTY COMMISSIONERS
ROOSEVELT COUNTY, NEW MEXICO

ATTEST:

Richard Leal, Chairman – District II

Lewis (Shane) Lee, Vice-Chair – District III

DeAun D. Searl, Roosevelt County Clerk

Jake Lopez – District I

absent

Gene Creighton – District IV

absent

Paul Grider – District V

20162447 07/26/2016 10:47:32 AM
Page: 3 of 13 Fee: 0 RES
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

Roosevelt County Travel Request & Voucher

Version 7/26/2016

Traveler
Destination
Justification
Budget Code
Program Charged
Will you be traveling in state (Answer Y or N)?
Will you be traveling to Santa Fe (Answer Y or N)?
Is this form for ACTUAL or ANTICIPATED Reimbursement? ◉ Actual ○ Anticipated
Method of Payment for Travel: ○ P-card ○ Per Diem

Departure

ACTUAL

Date & Time of Departure — Be sure to write AM or PM when entering time

Do you depart before the start of the normal workday (answer Y or N) ? (i.e. 8 AM)

How many hours earlier?

Traveling To (location/site): — Be sure to include mileage chart or map printout

Miles from worksite:

Will you be using a County-owned vehicle? (answer Y or N)

If your actual departure date and time differs from your anticipated, please file a corrected request upon your return.

Return

ACTUAL

Date & Time of Return — Be sure to write AM or PM when entering time

Does your return occur after the end of the normal workday (answer Y or N)? (i.e. 5 PM)

How many hours later?

Returning From: — Be sure to include mileage chart or map printout

Miles to worksite:

If your actual return date and time differs from your anticipated, please file a corrected request upon your return.

Hotel

Total Costs — $ -

All receipts must be attached

Airline or other fares (train, bus, taxis, airport transport, etc.)

Total Costs — $ -

All receipts must be attached

Mileage (For use of personal vehicle only)

miles at 0.460 per mile — $ -

Per Diem

Total Travel and business time — 0 hours — 0 *hours beyond work day*

Does this qualify for overnight travel? — *24 hour periods*

Partial Day

Partial day per diem when occasional or irregular travel extends beyond the normal workday and no overnight lodging is required.

Less than 2 hours		$0.00	
2 but less than 6 hours	$	12.00	
6 but less than 12 hours	$	20.00	
12 or more hours	$	30.00	$ -

Overnight Travel

In state	$	85.00	$ -
Special Areas (Santa Fe only)	$	115.00	$ -
Out of State	$	215.00	$ -
Actual meals and lodging (per policy)			

Actual expenses are limited per the travel policy and receipts are REQUIRED.

Partial Day following a 24-hour period where lodging is required

Hours beyond 24-hour period

Less than 2 hours	$	-	
2 but less than 6 hours	$	12.00	
6 but less than 12 hours	$	20.00	
12 or more hours	$	30.00	$ -

Total Cost of Travel

Amount of Advance $ -

Amount Due To Traveler Upon Return $ -

Traveler Certification: I certify that the above travel was necessary and proper County business and the amounts claimed are just and true in all aspects.

Signature _____ Date _____

Approvals	Signatures	Date
Dept/Elected Official		
Finance		
County Manager		

20162447 07/26/2016 10:47:32 AM
Page: 4 of 13 Fee: 0 RES
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

Jake Lopez
Commissioner, District 1

Richard "Rick" Leal
Commissioner, District 2

Lewis "Shane" Lee
Commissioner, District 3

Roosevelt County
Established 1903

Gene Creighton
Commissioner, District 4

Paul Grider
Commissioner, District 5

Amber Hamilton
County Manager
575.356.5307

County Manager's Office
109 West 1st Street • Portales, NM 88130

AFFIDAVIT FOR LOST RECEIPTS
Travel and Per Diem

I, _____ certify that actual receipts for expenses in the amount of
(print name)

$ _____.__ incurred while in the conduct of business for the County of Roosevelt, State of New Mexico, was lost.

Travel Dates	Lodging Expenses	Meal Expenses	Other Expenses

_____ _____
Employee Signature Date

_____ _____
Elected Official/Dept. Head Signature Date

_____ _____
County Manager Signature Date

20162447 07/26/2016 10:47:32 AM
Page: 5 of 13 Fee: 0 RES
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

10-8-4. Per diem and mileage rates; in lieu of payment.

A. Notwithstanding any other specific law to the contrary and except as provided in Subsection I of this section, every nonsalaried public officer shall receive either reimbursement pursuant to the provisions of Subsection K or L of this section or up to ninety-five dollars ($95.00) per diem expenses:

(1) for each board or committee meeting attended; or

(2) for each day spent in discharge of official duties for travel within the state but away from the officer's home.

Nonsalaried public officers who travel to attend a board or committee meeting may elect to be reimbursed per diem under either Paragraph (1) or (2) of this subsection.

B. Every salaried public officer or employee who is traveling within the state but away from the officer's or employee's home and designated post of duty on official business shall receive either reimbursement pursuant to the provisions of Subsection K or L of this section or:

(1) up to eighty-five dollars ($85.00) per diem expenses for each day spent in the discharge of official duties for a salaried public officer or employee of a local public body or state agency. If the secretary finds that a per diem allowance of eighty-five dollars ($85.00) is inadequate for reimbursement of expenses in any municipality of this state, the secretary may authorize the reimbursement of per diem for travel to the municipality not to exceed one hundred thirty-five dollars ($135); or

(2) up to eighty-five dollars ($85.00) per diem expenses for each day spent in the discharge of official duties for a salaried public officer or employee of a public post-secondary educational institution. If the governing board finds that a per diem allowance of eighty-five dollars ($85.00) is inadequate for reimbursement of expenses in any municipality of this state, the governing board may authorize the reimbursement of per diem for travel to the municipality not to exceed one hundred thirty-five dollars ($135).

C. Every public officer or employee shall receive either reimbursement pursuant to the provisions of Subsection K or L of this section or:

(1) for public officers or employees of a state agency or local public body, up to one hundred fifteen dollars ($115) per diem expenses for each day of travel outside the state on official business. If the secretary finds that a per diem allowance of one hundred fifteen dollars ($115) is inadequate for out-of-state travel to a geographical area, the secretary may authorize per diem not to exceed two hundred fifteen dollars ($215) for out-of-state travel to that geographical area; provided that the secretary may authorize per diem for travel to a locality inside or outside the continental United States for a public officer or employee who is reimbursed solely from federal funds in accordance with the rate allowed by the federal government for travel to that locality. In lieu of per diem, a person trained in the field of accountancy and performing duties in that field of training as an employee while assigned for periods exceeding three weeks per assignment to travel out of state on official business may receive either reimbursement pursuant to the provisions of Subsection K of this section or actual expenses not to exceed two hundred fifteen dollars ($215) per day. Expenses shall be substantiated in accordance with rules promulgated by the department of finance and administration. The secretary may promulgate rules defining what constitutes out-of-state travel for purposes of the Per Diem and Mileage Act; or

(2) for public officers or employees of a public post-secondary educational institution, up to one hundred fifteen dollars ($115) per diem expenses for each day of travel outside the state on official business. If the governing board finds that a per diem allowance of one hundred fifteen dollars ($115) is inadequate for out-of-state travel to a geographical area, the governing board may authorize per diem not to exceed two hundred fifteen dollars ($215) for out-of-state travel to that geographical area; provided that the governing board may authorize per diem for travel to a locality inside or outside the continental United States for a public officer or employee who is reimbursed solely from federal funds in accordance with the rate allowed by the federal government for travel to that locality. Expenses shall be substantiated in accordance with rules promulgated by the governing board. The governing board may promulgate rules defining what constitutes out-of-state travel for purposes of the Per Diem and Mileage Act.

D. Every public officer or employee shall receive up to the internal revenue service standard mileage rate set January 1 of the previous year for each mile traveled in a privately owned vehicle or eighty-eight cents ($.88) a mile for each mile traveled in a privately owned airplane if the travel is necessary to the discharge of the officer's or employee's official duties and if the private conveyance is not a common carrier; provided, however, that only one person shall receive mileage for each mile traveled in a single privately owned vehicle or airplane, except in the case of common carriers, in which case the person shall receive the cost of the ticket in lieu of the mileage allowance.

E. The per diem and mileage or per diem and cost of tickets for common carriers paid to salaried public officers or employees is in lieu of actual expenses for transportation, lodging and subsistence.

F. In addition to the in-state per diem set forth in this section, the department of finance and administration, by rule, may authorize a flat subsistence rate in the amount set by the legislature in the general appropriation act for commissioned officers of the New Mexico state police in accordance with rules promulgated by the department of finance and administration.

G. In lieu of the in-state per diem set in Subsection B of this section, the department of finance and administration may, by rule, authorize a flat monthly subsistence rate for certain employees of the department of transportation, provided that the payments made under this subsection shall not exceed the maximum amount that would be paid under Subsection B of this section.

H. Per diem received by nonsalaried public officers for travel on official business or in the discharge of their official duties, other than attending a board or committee meeting, and per diem received by public officers and employees for travel on official business shall be prorated in accordance with rules of the department of finance and administration or the governing board.

I. The provisions of Subsection A of this section do not apply to payment of per diem expense to a nonsalaried public official of a municipality for attendance at board or committee meetings held within the boundaries of the municipality.

J. In addition to any other penalties prescribed by law for false swearing on an official voucher, it shall be cause for removal or dismissal from office.

K. With prior written approval of the secretary or the secretary's designee or the local public body, a nonsalaried public officer of a state agency or local public body, a salaried public officer of a state agency or local public body or a salaried employee of a state agency or local public body is entitled to per diem expenses under this subsection and shall receive:

(1) reimbursement for actual expenses for lodging; and

(2) reimbursement for actual expenses for meals not to exceed thirty dollars ($30.00) per day for in-state travel and forty-five dollars ($45.00) per day for out-of-state travel.

L. With prior written approval of the governing board or its designee, a nonsalaried public officer of a public post-secondary educational institution, a salaried public officer of a public post-secondary educational institution or a salaried employee of a public post-secondary educational institution is entitled to per diem expenses under this subsection and shall receive:

(1) reimbursement for actual expenses for lodging; and

(2) reimbursement for actual expenses for meals not to exceed thirty dollars ($30.00) per day for in-state travel and forty-five dollars ($45.00) per day for out-of-state travel.

History: 1953 Comp., § 5-10-3, enacted by Laws 1963, ch. 31, § 3; 1971, ch. 116, § 3; 1974, ch. 26, § 1; 1975, ch. 106, § 1; 1977, ch. 194, § 1; 1978, ch. 184, § 3; 1979, ch. 38, § 1; 1980, ch. 9, § 1; 1980, ch. 32, § 1; 1981, ch. 109, § 1; 1984, ch. 29, § 2; 1987, ch. 129, 1 § 1; 1989, ch. 338, § 2; 2003, ch. 215, § 1; 2009, ch. 170, § 1.

20162447 07/26/2016 10:47:32 AM
Page: 7 of 13 Fee: 0 RES
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

TITLE 2 PUBLIC FINANCE
CHAPTER 42 TRAVEL AND PER DIEM
PART 2 REGULATIONS GOVERNING THE PER DIEM AND MILEAGE ACT

2.42.2.1 ISSUING AGENCY: Department of Finance and Administration.
[2.42.2.1 NMAC - N, 07/01/03]

2.42.2.2 SCOPE: In accordance with Section 10-8-1 to 10-8-8 NMSA 1978 (1995 Repl. Pamp.), 2.42.2 NMAC governs the payment of per diem rates and mileage and the reimbursement of expenses for all salaried and non-salaried public officers and employees of all state agencies and local public bodies, except:

A. state legislators; and

B. public officials and employees of state educational institutions specified in Article 12, Section 11 of the New Mexico Constitution and institutions defined in Chapter 21, Articles 13, 14, 16 and 17 NMSA 1978 (hereinafter "public postsecondary educational institutions"). If an official or employee of a public postsecondary educational institution is also a salaried or nonsalaried public officer or employee of any other state agency or local public body, these regulations shall apply when the person seeks payment of per diem rates and mileage or reimbursement of expenses in the capacity of a salaried or nonsalaried public officer or employee of a governmental entity other than a public postsecondary educational institution.
[2.42.2.2 NMAC - Rn, DFA Rule 95-1, Section 1.A, 07/01/03]

2.42.2.3 STATUTORY AUTHORITY: These regulations are promulgated pursuant to authority granted in Section 10-8-5(A) and Section 9-6-5(E) NMSA 1978.
[2.42.2.3 NMAC - Rn, DFA Rule 95-1, Section 1.B, 07/01/03]

2.42.2.4 DURATION: Permanent
[2.42.2.4 NMAC - N, 07/01/03]

20162447 07/26/2016 10:47:32 AM
Page: 8 of 13 Fee: 0 RES
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

2.42.2.5 EFFECTIVE DATE: November 30, 1995
[2.42.2.5 NMAC - N, 07/01/03]

2.42.2.6 OBJECTIVE: To govern the payment of per diem rates and mileage and the reimbursement of expenses for all salaried and non-salaried public officers and employees of all state agencies and local public bodies except those set forth in Subsections A and B of 2.42.2.2 NMAC.
[2.42.2.6 NMAC - N, 07/01/03]

2.42.2.7 DEFINITIONS: As used in this rule:

A. "Agency head" means:

(1) the cabinet secretary of departments and their administratively attached boards and commissions;

(2) the director for other agencies and institutions and their administratively attached boards and commissions;

(3) the superintendent of regulation and licensing for boards and commissions attached to the regulation and licensing department;

(4) the chairperson, president or executive secretary for remaining boards and commissions; and

(5) the chief executive, chief administrative officer, or governing body for local public bodies.

B. "Board or committee meeting" means the formal convening of public officers who comprise a board, advisory board, commission or committee even if no further business can take place because of the lack of a quorum.

C. "Designated post of duty" means the address of a public officer's or employee's assignment as determined by the agency.

D. "Employee" means any person who is in the employ of any New Mexico state agency or local public body within New Mexico whose salary is paid either completely or partially from public money but does not include jurors or jury commissioners.

E. "Governmental entity" means a New Mexico state agency or local public body within New Mexico.

F. "Home" means:

(1) for per diem purposes, the area within a 35-mile radius of the place of legal residence as defined in Section 1-1-7 NMSA 1978 (1995 Repl. Pamp.);

(2) for mileage purposes, the place of legal residence as defined in Section 1-1-7 NMSA 1978 (1995 Repl. Pamp.). See appendix A for a copy of Section 1-1-7 NMSA 1978.

G. "Local public body" means every political subdivision of the state, whether created under general or special act including, but not limited, to counties, municipalities, drainage, conservancy, irrigation, school or other districts, that receives or expends public money from whatever source derived.

H. "Nonsalaried public officer" means a public officer serving as a member of a board, advisory board, committee or commission who is not entitled to compensation, but is entitled to payment of per diem rates and mileage.

I. "Out of state" means beyond the exterior boundaries of the state of New Mexico.

J. "Public officer" means every elected or appointed officer of a governmental entity, including but not limited to:

(1) officers of the judicial branch of state government, including judges;

(2) officers of the legislative branch of state government, except legislators; and,

(3) all board, advisory board, committee and commission members elected or appointed to a board, advisory board, committee or commission specifically authorized by law or validly existing as an advisory committee pursuant to Section 9-1-9 NMSA 1978.

K. "Secretary" means the secretary of finance and administration.

L. "Travel" means: for per diem purposes, being on official business away from home as defined in Subsection F above and at least 35 miles from the designated post of duty of the public officer or employee. However, non-salaried public officers are eligible for per diem for attending meetings in accordance with Subsection C of 2.42.2.8 NMAC and

M. "Travel voucher" means a payment voucher submitted for the purpose of claiming reimbursement for travel expenditures.

[2.42.2.7 NMAC - Rn, DFA Rule 95-1, Section 2, 07/01/03]

20162447 07/26/2016 10:47:32 AM
Page: 9 of 13 Fee: 0 RES
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

2.42.2.8 PER DIEM RATES PRORATION:

A. **Applicability:** Per diem rates shall be paid to public officers and employees only in accordance with the provisions of this section. Per diem rates shall be paid without regard to whether expenses are actually incurred. Where lodging and/or meals are provided or paid for by the agency, the governing body, or another entity, the public officer or employee is entitled to reimbursement only for actual expenses under 2.42.2.9 NMAC.

B. **Per diem rate computation:** Except as provided in Subsections C through I of this Section, per diem rates for travel by public officers and employees shall be computed as follows:

(1) **Partial day per diem rate:** Public officers or employees who occasionally and irregularly travel shall be reimbursed for travel which does not require overnight lodging, but extends beyond a normal work day as follows:

(a) for less than 2 hours of travel beyond normal work day, none;

(b) for 2 hours, but less than 6 hours beyond the normal work day, $12.00;

(c) for 6 six hours, but less than 12 hours beyond the normal work day, $20.00;

(d) for 12 hours or more beyond the normal work day, $30.00;

(e) "Occasionally and irregularly" means not on a regular basis and infrequently as determined by the agency. For example, an employee is not entitled to per diem rates under this subparagraph if the employee either travels once a week or travels every fourth Thursday of the month. However, the employee is entitled to per diem rates under this subparagraph if the employee either travels once a month with irregular destinations and at irregular times or travels four times in one month and then does not travel again in the next two months, so long as this is not a regular pattern.

(f) "Normal work day" means 8 hours within a nine-hour period for all public officers and employees both salaried and nonsalaried, regardless of the officers' or employees' regular work schedule.

(2) **Overnight travel:** Regardless of the number of hours traveled, travel for public officers and employees where overnight lodging is required shall be reimbursed as follows:

(a) in state areas $85.00

(b) in state special areas $135.00

(c) out of state areas $115.00;

(d) or actual lodging and meal expenses under 2.42.2.9 NMAC.

(3) **Return from overnight travel:** On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed. Divide the number of hours traveled by 24. The hours remaining constitute the partial day which shall be reimbursed as follows:

(a) for less than 2 hours, none;

(b) for 2 hours, but less than 6 hours, $12.00;

(c) for 6 hours or more, but less than 12 hours, $20.00;

(d) for 12 hours or more, $30.00.

(4) **Special area designations:** For all officers and employees, the in state special area shall be Santa Fe.

C. **Board, commission and committee members:** Nonsalaried public officers may receive per diem as follows:

(1) **Official board, commission and committee meetings:**

(a) **State nonsalaried public officers:** Nonsalaried public officers of the state may elect to receive either:

(i) $95.00 per meeting day for attending each board or committee meeting; or

(ii) per diem rates in accordance with Subsection B of this Section.

(b) **Local nonsalaried public officers:** Nonsalaried public officers of local public bodies may elect to receive either:

(i) $95.00 per meeting day for attending each board or committee meeting day; or

(ii) per diem rates in accordance with subsection B of this Section provided that the local governing body has not established a lesser rate.

(c) **Municipal nonsalaried public officers:** Nonsalaried public officers of municipalities may elect to receive either:

(i) $95.00 per meeting day for attending each board or committee meeting; or

(ii) per diem rates in accordance with Subsection B of this Section, provided that the board or commission meeting is held outside of the municipal boundaries.

(2) **Other official meetings:** Nonsalaried public officers may receive per diem rates for travel on official business that does not constitute a board, advisory board, committee or commission meeting only in accordance with Subsection B of this Section.

(3) **Members serving in dual capacities:** Nonsalaried public officers who also serve as public officers or employees of state agencies or local public bodies may receive mileage or per diem rates from only one public entity for any travel or meeting attended. Furthermore, nonsalaried public officers who are also public officers or employees may not receive per diem rates for attending meetings held in the place of their home or at their designated posts of duty unless they are on leave from their positions as public officers or employees. Local public bodies may adopt regulations with respect to the receipt of per diem rates by employees or officers of local public bodies who also serve on boards or commissions subject to this rule.

D. **Temporary assignment:** Public officers and employees may be reassigned temporarily to another duty station.

(1) **Routine reassignment:** Public officers and employees subject to periodic reassignment of duty stations or districts as a normal requirement of their employment will not be eligible for per diem rates after the time of arrival at the new duty station or district.

(2) **Nonroutine reassignment:** Public officers or employees not normally subject to periodic reassignments who are temporarily assigned to another office of a state agency away from home will receive per diem for the first 30 calendar days of their assignment only, unless approval of the secretary is given to extend per diem payments upon showing that the assignment is necessary and temporary. Except in such extraordinary circumstances, after 30 calendar days, the place where the employee or officer is assigned will be regarded as the designated post of duty.

E. **New Mexico department of transportation:** The New Mexico department of transportation may adopt special policies pertaining to payment of per diem rates for temporary assignments. Such policies shall be subject to the annual approval of the secretary.

F. **Department of public safety:** The department of public safety may adopt special policies pertaining to payment of per diem rates, mileage and subsistence allowances authorized by law for commissioned officers. Such policies shall be subject to the annual approval of the secretary.

G. **Travel for educational purposes:** A public officer or employee shall not be reimbursed for more than 30 calendar days of per diem in any fiscal year for attending educational or training programs unless approval has been obtained from the secretary.

H. **Per diem in conjunction with other leave:** While traveling, if a public officer or employee takes sick, annual or authorized leave without pay for more than four hours of the normal work day, per diem shall not be allowed for that day unless authorized in writing by the agency head.

I. **Illness or emergency:** Agency heads may grant permission, in writing, to pay per diem rates and travel reimbursement to an employee or public officer who becomes ill or is notified of a family emergency while traveling on official business and must either remain away from home or discontinue the official business to return home.

[2.42.2.8 NMAC - Rn, DFA Rule 95-1, Section 3, 07/01/03; A, 01/15/04]

2.42.2.9 REIMBURSEMENT OF ACTUAL EXPENSES IN LIEU OF PER DIEM RATES:

A. **Applicability:** Upon written request of a public officer or an employee, agency heads may grant written approval for a public officer or employee of that agency or local public body to be reimbursed actual expenses in lieu of the per diem rate where overnight travel is required.

B. **Overnight travel:** For overnight travel for state officers and employees where overnight lodging is required, the public officer or employee will be reimbursed as follows:

(1) **Actual reimbursement for lodging:** A public officer or an employee may elect to be reimbursed actual expenses for lodging not exceeding the single occupancy room charge (including tax) in lieu of the per diem rate set forth in this Section. Whenever possible, public officers and employees should stay in hotels which offer government rates. Agencies, public officers or employees who incur lodging expenses in excess of $215.00 per night must obtain the signature of the agency head or chairperson of the governing board on the travel voucher prior to requesting reimbursement and on the encumbering document at the time of encumbering the expenditure.

(2) **Actual reimbursement for meals:** Actual expenses for meals are limited by Section 10-8-4(K)(2) NMSA 1978 (1995 Repl. Pamp.) to a maximum of $30.00 for in-state travel and $45.00 for out-of-state travel for a 24-hour period.

(3) **Receipts required:** The public officer or employee must submit receipts for the actual meal and lodging expenses incurred. Under circumstances where the loss of receipts would create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the agency head or governing board. See Appendix B for a sample affidavit.

C. **Return from overnight travel:** On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed on the travel. Divide the total number of hours traveled by 24. The hours remaining constitute the partial day which shall be reimbursed as follows:

(1) for less than 2 hours, none;

(2) for 2 hours but less than 6 hours, $12.00;

(3) for 6 hours or more, but less than 12 hours, $20.00;

20162447 07/26/2016 10:47:32 AM
Page: 10 of 13 Fee: 0 RES
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

(4) for 12 hours or more, $30.00;

(5) no reimbursement for actual expenses will be granted in lieu of partial day per diem rates.

[2.42.2.9 NMAC - Rn, DFA Rule 95-1, Section 4, 07/01/03; A, 01/15/04]

2.42.2.10 TRAVEL ADVANCES:

A. **Authorizations:** Upon written request accompanied by a travel voucher, agency heads and governing boards of local public bodies or their authorized designees may approve a public officer's or employee's request to be advanced up to 80 percent of per diem rates and mileage cost or for the actual cost of lodging and meals pursuant to 2.42.2.8 NMAC and 2.42.2.9 NMAC and for other travel expenses that may be reimbursed under 2.42.2.12 NMAC. Requests for travel advances shall not be submitted to the financial control division of the department of finance and administration more than two weeks prior to travel unless, by processing the request earlier, significant savings can be realized for travel by common carrier or for registration fees for seminars and conferences.

B. **Travel period:** A travel advance may be authorized either for a single trip or on a monthly basis for public officers and employees who travel continually throughout the month. Payment shall be made only upon vouchers submitted with attached authorization for each travel period.

(1) **Single trip advances:** Where a travel advance is made for a single trip, the officer or employee shall remit, within 5 working days of the return from the trip, a refund of any excess advance payment to the agency. The agency or local public body shall deposit the refund and reduce the disbursement recorded when the money was advanced.

(2) **Monthly advances:** Where monthly advances are made, employees shall remit to the agency, at the end of each month, any excess advance payments together with a thorough accounting of all travel advances and expenditures as required by the secretary. Where a travel advance is approved for the next month, the agency head may authorize the use of excess advance payments from the previous month as part of the advance for the next month in lieu of having the employee remit the excess funds.

C. **Agency records:** Each agency is responsible for maintaining records of travel advances authorized by the agency head or the agency head's authorized designee.

(1) **Employee ledgers:** Each state agency shall keep individual employee ledgers for travel advances. The ledger shall include the following information to provide an adequate audit trail:

(a) employee
(b) no.
(c) division
(d) fiscal year
(e) date of travel advance
(f) date of destination
(g) per diem advance
(h) earned
(i) additional per diem or refund due

20162447 07/26/2016 10:47:32 AM
Page: 11 of 13 Fee: 0 RES
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

(2) **Year-end closing:** Each state agency shall review all travel advances prior to the end of the fiscal year and collect or pay all outstanding amounts if possible. Any receivables or payables outstanding at year-end must be recorded on the books and records of the agency.

D. **Local public bodies:** Local public bodies may grant prior written approval for travel advances as authorized by regulation of the governing body of the local public body.

[2.42.2.10 NMAC - Rn, DFA Rule 95-1, Section 5, 07/01/03]

2.42.2.11 MILEAGE-PRIVATE CONVEYANCE:

A. **Applicability:** Mileage accrued in the use of a private conveyance shall be paid only in accordance with the provisions of this section.

B. **Rate:** Public officers and employees of state agencies shall be reimbursed for mileage accrued in the use of a private automobile or aircraft in the discharge of official duties as follows:

(1) unless the secretary has reduced the rates set for mileage for any class of public officials and for employees of state agencies pursuant to Section 10-8-5 (D) NMSA 1978, 80% of the internal revenue service standard mileage rate set January 1 of the previous year for each mile traveled in a privately owned vehicle;

(2) privately owned airplane, eighty-eight cents ($0.88) per nautical mile.

C. **Local public bodies:** Public officers and employees of local public bodies may be reimbursed for mileage accrued in the use of a private conveyance in the discharge of official duties, at the statutory rates unless such rates have been reduced by the governing bodies of the local public body pursuant to Section 10-8-5 (D) NMSA 1978.

D. **Privately owned automobile:** For conveyance in the discharge of official duties by privately owned automobile, mileage accrued shall be reimbursed at the rate set forth in this section as follows:

(1) pursuant to the mileage chart of the official state map published by the state highway and transportation department for distances in New Mexico and the most recent edition of the Rand-McNally road atlas for distances outside of New Mexico; or

(2) pursuant to actual mileage if the beginning and ending odometer reading is certified as true and correct by the traveler; and

(a) the destination is not included on the official state map or on the Rand McNally road atlas, or,

(b) at the destination(s) of the public officer or employee, the public officer or employee was required to use the private conveyance in performance of official duties.

E. **Privately owned airplane:** Mileage accrued in the use of a privately owned airplane shall be reimbursed at the rate set forth in this section as follows:

(1) pursuant to the New Mexico aeronautical chart published by the state highway and transportation department, aviation division, for distances in New Mexico and other states' air maps for distances outside of New Mexico; or

(2) pursuant to actual air mileage if certification is provided by the pilot, or a beginning and ending reading of actual mileage if the reading is certified as true and correct by the traveler, and the destination is not included on an air map.

F. **Reimbursement limit for out of state travel:** Total mileage reimbursement for out of state travel by privately owned automobile or privately owned airplane shall not exceed the total coach class commercial airfare that would have been reimbursed those traveling had they traveled by common carrier. This subsection shall not apply to a public school when transporting students.

G. **Additional mileage provision:** Mileage accrued while on official business shall be reimbursed for travel on official business. An agency head or designee may authorize by memorandum reimbursement for mileage from a point of origin farther from the destination than the designated post of duty in appropriate circumstances. The memorandum must accompany the payment voucher. If official business is transacted while commuting from home to post of duty or from post of duty to home, mileage shall not be paid for the number of miles between post of duty and home. Odometer readings showing additional miles accrued for official business must be provided to the agency for payment.

[2.42.2.11 NMAC - Rn, DFA Rule 95-1, Section 6 & A, 07/01/03; A/E, 06/19/09]

2.42.2.12 REIMBURSEMENT FOR OTHER EXPENSES: Public officers and employees may be reimbursed for certain actual expenses in addition to per diem rates.

A. **Receipts not required:** Public officers and employees may be reimbursed without receipts for the following expenses in an amount of $6.00 per day not to exceed a total of $30.00 per trip:

(1) taxi or other transportation fares at the destination of the traveler;

(2) gratuities as allowed by the agency head or designee; and

(3) parking fees

(4) If more than $6.00 per day or $30.00 per trip is claimed, the entire amount of the reimbursement claim must be accompanied by receipts.

B. **Receipts required:** Public officers and employees may be reimbursed for the following expenses provided that receipts for all such expenses are attached to the reimbursement voucher:

(1) actual costs for travel by common carrier, provided such travel is accomplished in the most economical manner practical;

(2) rental cars or charter aircraft, provided less expensive public transportation is not available or appropriate;

(3) registration fees for educational programs or conferences, provided, if the fee includes lodging or meals, then no per diem rates shall be paid and only actual expenses paid by the officer or employee and not included in the fee shall be reimbursed within the limits of 2.42.2.9 NMAC; and

(4) professional fees or dues that are beneficial to the agency's operations or mission.

(5) Under circumstances where the loss of receipts would deny reimbursement and create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the agency head or governing board. See Appendix B for a sample affidavit.

C. **Local public bodies:** Local public bodies may adopt regulations governing the reimbursement of actual expenses incurred in addition to per diem rates and mileage.

[2.42.2.12 NMAC - Rn, DFA Rule 95-1, Section 7, 07/01/03]

2.42.2.13 TRAVEL VOUCHERS: Travel vouchers and supporting schedules and documents shall conform to the policies and procedures manuals issued by the financial control division of the department of finance and administration.

[2.42.2.13 NMAC - Rn, DFA Rule 95-1, Section 8, 07/01/03]

2.42.2.14 EFFECTIVE DATES: All sections shall be effective upon publication in the *New Mexico Register*.

[2.42.2.14 NMAC - Rn, DFA Rule 95-1, Section 9, 07/01/03]

APPENDIX A: 1-1-7 NMSA 1978, Residence; rules for determining.

APPENDIX B:

DEPARTMENT OF FINANCE AND ADMINISTRATION
FINANCIAL CONTROL DIVISION
AFFIDAVIT FOR LOST RECEIPTS
Travel and Per Diem

20162447 07/26/2016 10:47:32 AM
Page: 12 of 13 Fee: 0 RES
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

I, _____ certify that actual receipts for expenses in the amount of

(print name)
$ _____.__ incurred while in the conduct of business for the State of New Mexico, were lost.

Travel Dates	Lodging Expenses	Meal Expenses	Other Expenses

_____ _____
Employee Signature Date

_____ _____
Agency Head Signature Date

HISTORY OF 2.42.2 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:
DFA 71-4 (Directive DFA 71-1) State Transportation Pool Rules and Regulations, filed 6/23/71
DFA 72-5 Directive DFA 61-1, Transportation Pool Rules and Regulations, filed 6/30/72
DFA 75-4 (Directive-DFA 63-4) State Transportation Pool Rules and Regulations, filed 3/3/75
DFA 71-9 (Directive DFA 60-5C) Chapter 116, Laws of 1971, filed 6/30/71
DFA 74-2 Per Diem and Mileage Act (Sections 5-10-1 through 5-10-4 NMSA 1953 as Amended) being Chapter 26, Laws of 1974, filed 5/6/74
DFA 75-6 (Directive LGD 63-49) Out-of-State Travel, filed 5/6/75
DFA 74-4 (Directive-DFA 62-3B) Procedures for In-State and Out-of-State Travel, Laws of 1974, Chapter 26, filed 5/7/74
DFA 75-8* (Directive-DFA 63-6) Procedures for In-State and Out-of-State Travel, filed 6/10/75
DFA 75-9* (Directive LGD 64-5) Per Diem and Mileage Act as amended, filed 8/7/75
DFA 75-17* (Directive DFA 64-16) Expenses of Advisory Committees, Task Forces and other Bodies Appointed by State Agencies, filed 10/9/75
DFA 78-3.1* (Rules 78-3) Relating to Reimbursement of Public Officers and Employees for Travel Expenses & Attending Meetings, filed 6/30/78
DFA 81-3 (Rule 78-3) Related to the Reimbursement of Public Officers and Employees for Travel and Attending Meetings, filed 6/26/81
DFA 82-2 (Rule 78-3) Related to the Reimbursement of Public Officers and Employees for Travel Expenses and Attending Meetings, filed 10/20/82
DFA Rule No. 87-2 Related to the Reimbursement of Public Officers and Employees for Travel Expenses and for Attending Meetings; filed 9/30/87
DFA Rule No. 90-2 Department of Finance and Administration, DFA 90-2, Governing Per Diem, Mileage and Other Reimbursements to Public Officers and Employees; filed 3/30/90
DFA Rule No. 92-1 Regulations Governing the Per Diem and Mileage Act; filed 10/7/92
DFA Rule 95-1 Regulations Governing the Per Diem and Mileage Act; filed 11/17/95.

History of Repealed Material: [RESERVED]

20162447 07/26/2016 10:47:32 AM
Page: 13 of 13 Fee: 0 RES
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

COUNTY CLERK ROOSEVELT COUNTY, N.M. SEAL