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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: Jan. 23, 2025
Bill Number: SB 52

Check all that apply:
Original X Correction __
Amendment __ Substitute __

Sponsor: Sen. William P. Soules
Short Title: Public Office Travel Reimbursement

Agency Name and Code Number: State Ethics Commission (410)
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	Indeterminant	Indeterminant			

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 52 amends two sections of statute related to mileage reimbursements for public employees traveling by privately owned automobile or airplane to align with reimbursement rates set by the federal General Services Administration.

Section 1 of SB 52 amends NMSA 1978, Section 2-1-9 (2005), which governs mileage and per diem reimbursements available to members, officers and employees of the state legislature. Currently, legislators on interim committees traveling for official business may receive mileage reimbursement based under two regulatory regimes. If the legislator travels by privately owned automobile, their reimbursement is based on the standard mileage rate set by the federal Internal Revenue Service. If the legislator travels by privately owned airplane, their reimbursement is based on regulations promulgated by the state Department of Finance and Administration, pursuant to the Mileage and Per Diem Act. Section 1 of this bill streamlines the regulatory regime by having reimbursement of either method of travel be based on the standard mileage rate set by the federal General Services Administration.

Section 2 of SB 52 amends NMSA 1978, Section 10-8-4(D) (2021), which governs mileage reimbursements available to "[e]very public officer and employee." Currently, public officers traveling for official business may receive travel reimbursement based on two different standards. If the public officer travels in a "vehicle," their reimbursement is based on the standard mileage rate set by the federal Internal Revenue Service. If the public officer travels by privately owned airplane, their reimbursement is set by statute at $0.88 per mile. Section 2 makes two significant changes. First, it streamlines the standards used by having reimbursement of either method of travel be based on a rate set by the federal General Services Administration. Second it changes "vehicle" to "automobile" to clear up any confusion about what mode of transportation may be reimbursed.

Section 3 of SB 52 would implement these changes in FY26.

FISCAL IMPLICATIONS

The fiscal impact on the State Ethics Commission is indeterminant. Commission employees do travel for official reasons, and staff are able to receive mileage reimbursement. However, changing the reimbursement metric for automobile travel from the standard set by the Internal Revenue Service to the standard set by the General Services Administration would not impact the Commission. The reimbursement rates set by these agencies for travel by means of privately owned automobiles are identical.[1] In fact, these rates have been identical since at least 2017.[2] Any fiscal impact on the Commission would thus turn on Commission employees traveling on privately owned airplanes beginning in FY26. The amount of expected plane travel by Commission employees beginning in FY26 is indeterminable at this point, though likely low.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

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[1] *See* Internal Revenue Service, *Standard mileage rates*, *https://www.irs.gov/tax-professionals/standard-mileage-rates* (last visited Jan. 23, 2025); U.S. General Services Administration, *Privately owned vehicle (POV) milage reimbursement rates*, https://www.gsa.gov/travel/plan-a-trip/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-mileage-reimbursement (last visited Jan. 23. 2025).

[2] *See* U.S. General Services Administration, *POV milage rates (archived)*, https://www.gsa.gov/travel/plan-a-trip/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-mileage-reimbursement/pov-mileage-rates-archived (last visited Jan. 23, 2025).